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Citizenship and the New Day

Books by Parley Paul Womer

CITIZENSHIP AND THE NEW DAY
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THE RELATION OF HEALING TO LAW

Citizenship and the New Day

by

Parley Paul Womer

B.D. Sc.D. F.R.S.A.



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To ALL Americans who have faith in the principles of
democracy as enunciated in the Preamble and Bill of
Rights of our Federal Constitution, who believe that
achievement of these principles depends on competent
citizenship, and that "capacity for citizen competence
is implicit, that it does not function automatically
but must be elicited by education and experience"
this book is respectfully
dedicated

Preface

THE Supreme Intelligence, who presides over the affairs of men and nations, has made no promise of immortality for the American Republic. It may well be that the "American dream" and the hope it has inspired have a divine origin—that, as someone has said, they represent "a communication in time to our incomplete human consciousness from a consciousness that is eternally complete"—but the Republic which enshrines the dream and the hope, like all human institutions, is man made. It has no claim to survival other than the competence of its citizens. And competent citizenship is also man made. It is the product of education and experience. These are basic assumptions that run through all the following pages.

The book, in part, is the outcome of years of experimentation with a "Department of Citizenship" at Washburn University. This was made possible by the interest of a distinguished businessman who believed that the sole guarantee of democratic institutions is competent citizens, and that responsibility for the making of competent citizens rests heavily upon the college. Chapter XV describes somewhat in detail the courses of study offered by the department, and the activities in the nature of laboratory work which were conducted in connection with the courses. In part, also, the book derives from an experience of many years in working with various citizens' groups throughout the nation. A study and appraisal of these groups is given in Chapter XVI.

The ideals and concepts of citizenship are presented, not merely as a creed to be chanted, but as a body of principles to be built into the social, economic, and political structure of democracy in the same way that the laws of mechanics are built into a modern skyscraper or a gigantic bridge. Obviously the ideals of citizenship are not merely to be adulated but to be used, and the fact is indisputable that as a people our present use of them leaves much to be desired. This, it can hardly be questioned, is one of the weakest spots of our democratic system.

This book is presented as a general survey. Two volumes now in preparation—*Civil Liberty and Rights in the New Day* and *Citizenship and Economic Rights in the New Day*—will discuss in more

CITIZENSHIP AND THE NEW DAY

detail various important aspects and implications of citizenship which necessarily have received only brief notice in this volume.

I am deeply indebted to my wife for invaluable co-operation in the preparation of this work, and to Mr. Marco Morrow, of the Capper Publications, Inc., for many constructive criticisms both as to material and as to forms of expression.

I am also grateful to the many writers of books and articles upon whom I have drawn freely for illustrative matter. I have endeavored to recognize this debt by appropriate footnotes and references.

PARLEY PAUL WOMER

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Contents

PART I

THE ORIGIN, FUNCTIONS, AND CHARACTER OF CITIZENSHIP

I. Citizenship the Basic Principle of the Democratic State	13
II. The Incubation of Citizenship in America	27
III. The Assumption of Natural Citizen Competence	48
IV. A Citizenry Versus a Crowd	65
V. The Voting Process and Its Problems	80

PART II

THE IDEALISTIC CHARACTER OF CITIZENSHIP

VI. Liberty and Responsibility	99
VII. Equality of Rights	116
VIII. Fraternalism and Citizen Motivation	134
IX. Social Justice and Free Enterprise	150
X. Penal Justice and Legal Method	170
XI. The Reintegration of Democratic Concepts	187
XII. Toward a World State and World Citizenship	205

PART III

EDUCATION FOR CITIZENSHIP

XIII. Values and Objectives	227
XIV. What the Family Should Contribute	241
XV. What the School Should Contribute	257
XVI. Citizens' Groups and Their Functions	273
XVII. Creative Religion and Education for Citizenship	292
Index	309

PART I

*The Origin, Functions, and Character
of Citizenship*

Chapter I

Citizenship the Basic Principle of the Democratic State

The student of social evolution, first of all, must endeavor to grasp the broad trend of social evolution; that is to say, he must attempt a synthesis of its successive phases, and here he might conceivably take the evolution of a single society, or of a type of civilization, or finally, of the whole of humanity for his subject. Provided that the process be grasped as a connected whole and that any illuminating description can be given of its trend and tendency, provided that he finds in it, as it were, any clear hint of definiteness of direction, the object will be a perfectly legitimate one for scientific endeavor. —L. T. HOBHOUSE

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1. THE CLASSIFICATION OF STATES
 2. THE EMERGENCE OF CITIZENSHIP IN SOCIAL EVOLUTION
 3. CITIZENSHIP IN THE GREEK CITY STATES
 4. EXPANSIONS OF CITIZENSHIP IN MODERN DEMOCRACY
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A FRENCH writer, Robert de Saint-Jean, discussing the demoralization of the French people that so quickly followed the German attack on France in the spring of 1940, and the consequent disaster, comments bitterly upon the failure of French officials, both civil and military, their lack of understanding, and their general incompetence in the face of a crisis so immediate and so great. "But far more disastrous," he goes on to say, "was the failure of French citizenship. Though the people as a whole were better than the mediocrities who made up their government, their indifferentism, their disposition to regard themselves merely as spectators, and more than all, their loss of capacity for moral indignation made them ineffectual citizens."¹

Inadvertently, perhaps, this French journalist posits the funda-

¹ Specific statements in De Saint-Jean's criticism supplied by an editorial in the *Kansas City Star*, Aug. 17, 1941.

There are, of course, other explanations of the French collapse, such as the defense psychology that characterized the French military mind and the failure of the High Command to grasp the significance of air power and of mechanized land operations. Responsibility for these failures is hardly attributable to the ineffectual citizenship of the French people.

CITIZENSHIP AND THE NEW DAY

mental problem, not only of France, but also of America and of every other democratic state. It is the problem of developing the "effectual citizenship" that democracy necessarily presupposes, and without which the democratic state, as such, simply cannot exist.

For the proper conduct of affairs in the democratic state, two things, unquestionably, have fundamental importance. One of these is the development of political forms, modes, methods, and techniques adequate to cope with the immensely complex conditions and problems which necessarily beset the modern state. The other is a degree of competence in the citizen body that is equal to the task of operating the political machinery in a manner that is really "effectual" in the sense that the public interest is properly served.

Hitherto in America, as in France and other democratic states, there has been a marked tendency to stress the machinery of government and to assume that it works automatically. The simplicity, in this respect, of a large, if not a preponderant, section of the general public in all the democracies resembles that of the man who came to the agent of a manufacturing company to buy a pump for the watering of his stock. When asked by the agent how he proposed to provide power to operate the pump, he replied that he wanted an instrument large enough to supply not only the water that was needed for the stock but an additional amount sufficient to make the pump work. When told by the agent that such a combination was impossible, the man was surprised and indignant, and declared that, with the amount of capital he could furnish, the company must be a hoax if it could not provide such a pump.²

Even the writers of textbooks on democratic government are prone to emphasize the implements of government and the task of administration, describing them in all their minute details while saying little of the citizen interest and effectualness which are necessary to make the machinery operate, or of how that interest and effectualness are to be developed and directed.

Obviously a fundamental need in America as well as in other democratic states is a general realization that any worth-while program to conserve democracy must be based upon a serious, nationwide, and continuous effort (1) to develop effectual citizens and (2) to develop an effectual citizenry, which is a citizen body that functions effectually as a body.

² Cited by President A. T. Hadley in *Relations Between Freedom and Responsibility*, p. 151.

1

The social and political groups commonly designated states or nations, both as present and as historical phenomena, are subject to distinct differences in classification. The distinguishing principle in this classification is the nature of the social and political bond. It is doubtless true, as students of social morphology point out, that there are some forces making for association that are common to all societies, from the lowest to the highest. There is, for example, a certain interest that we take in one another as human beings which makes some kind of association preferable to a life of solitude.³ This community of interest, however, is common to all human associations and, therefore, cannot be used as a basis of classifying social and political groups. There are discernible, moreover, in the various groupings of people throughout the centuries, divergent principles of union which determine the respective characters of these groups as social and political entities. Accordingly, it may be said that it is the principle of union—in other words, the nature of the social bond—that is the proper basis of classifying the various groupings of mankind which are called states.

The word "citizenship" expresses the character of the bond that is distinctive of the democratic state. It indicates the function of individuals as units of the democratic state—a function that implies not only the right but a definite responsibility to participate in the activities and ends of the state and collectively to control the state. Whereas under other social and political forms authority resides elsewhere than in the people—in a man, a family, a social caste, a military clique, or an economic group—in the democratic form it resides in the collective will of the people as citizens.

Thus as a political and social order based on citizenship emerges from other types of association, the character of government necessarily is changed and its relation to the governed is in a real sense reversed.⁴ The whole people, and not merely a governing class, constitute the state. The government is no longer a master, a thing apart from the people, but an instrument of the citizenry. Fundamentally, it functions, not from the top down, but from the bottom up. In other words, the will of the citizen body determines the form

³ Thus Aristotle declares that isolated persons are either superhuman beings or low in the scale of civilization. They stand alone like blots on a backgammon board.—*Politics*, I, ii.

⁴ See Aristotle, *Politics*, III, i. For a discussion of the basic character of citizenship in a democracy, however, the Greek philosopher greatly limits the scope of citizenship.

CITIZENSHIP AND THE NEW DAY

of government and is its controlling force. Laws are no longer commands imposed by a superior upon as inferior and enforced by him through the medium of punishment. They represent, commensurably at least, the will of the people, being rules which the citizens, through their representatives, have devised and imposed upon themselves. Moreover government officials, from the highest to the lowest, are as much bound by these rules as the humblest citizen.

And since the government of a social and political order based upon citizenship exists, not by the will of a privileged few, but by the will of all the people, its proper aim is the welfare of all the people and not merely the welfare of a privileged class. This aim is stated in a famous decision of the United States Supreme Court, written by Justice Brandeis. "Government," affirms the Court, "seeks to realize the aim of American society by making the people free, and by giving them opportunity and incentive to develop their faculties, and thus to release the forces of reason so that in the varied and complex relationships that characterize society the forces of reason may prevail over the forces of unreason." ⁵

2

Citizenship is the product of social evolution, but it did not arrive full-blown. It represents a long and tedious process of disentanglement from concepts and practices arising out of social and political forms based on principles fundamentally antagonistic to the principle of citizenship.

How the sort of collective effort began that eventuated in democracy and citizenship, we can only guess. But in the words of Giddings:

Guessing need not be unprofitable, but we shall never perfectly understand. . . . For uncounted millenniums, before any town was built, he had unconsciously experimented with social relations, no less than with useful arts and material possessions. Back of these millenniums lay dim ages through which he only groped his way, making accidental discoveries and catching glimpses now and then of possibilities that he could neither understand nor greatly profit by.⁶

Social philosophers, reviewing this long process of social evolution, have discerned various definite types and principles of association prior to the emergence of citizenship. Each of these types,

⁵ Whitney, *California*, May 16, 1929.

⁶ H. Giddings, *The Responsible State*, p. 3.

CITIZENSHIP THE BASIC PRINCIPLE OF THE DEMOCRATIC STATE though not always sharply differentiated, may at one of the successive stages of social development be regarded as the leading type. As a higher stage appeared, the social bond operating at a lower stage continued to maintain its own place, but other forces came into operation and became dominant in various social groupings.

Originating before the period of recorded history, as Darwin premised, the earliest form of permanent association appeared in the emergence of the family.⁷ Possibly at the outset the family association was not complete, but was merely a unity that included the mother and her children, who constituted a more or less coherent group among wandering and irresponsible males.⁸ Completed family types which developed from this primitive group were determined by the relation of husband and wife. Where the relation was relatively loose, it was the maternal type of family that emerged; and where it was closer, it was the paternal type.

Later, or perhaps coincidentally, came the household including, very often, in the paternal type more than one wife, and in the maternal more than one husband. Apparently, it might also include other related individuals in addition to the immediate family, and a variable number of slaves—"all those," as Aristotle said, "who eat at the same store and those who sit around the same hearth."⁹ With the development of the household came the village, also based on kinship, comprising various households related by blood and implying definite connections with other households and villages of alien stock. And out of the village life, though never supplanting it, developed other blood groups such as the clan and the gens, the difference being that in one case the children belonged to the clan of the mother and in the other they followed the gens of the father.

Such were the important groupings of primitive society, with variations and ramifications which cannot here be described, when the principle of kinship was recognized as determining the character

⁷ See *The Descent of Man*, chap. xx. From Darwin's discussion John Fiske developed the doctrine of the prolongation of infancy and the consequent genesis of settled family life.—*Outlines of Cosmic Philosophy*, II, 362-63.

⁸ The position of Goldenweiser (*Early Civilization*, pp. 237-38) and Lowie (*Primitive Society*, pp. 64-68) that the completed family dates back to the beginning can hardly be established. The data which they cite are more certainly characteristic of a later and more advanced stage of social development. E. S. Hartland (*Primitive Paternity*, pp. 261, 269, 275, 292) gives pertinent examples of peoples in Africa, the Pacific islands, and Australia who illustrate the incomplete family, based on the mother right, in which very small, if any, account is taken of the father. He says that in various parts of the French Congo the father very commonly is not even known to the children.

⁹ Aristotle, *Politics*, I, II.

CITIZENSHIP AND THE NEW DAY

of the social bond. In due course it became evident that the paternal family yielded a more solid basis for the social order. Hence primitive government tended to become prevailingly patriarchal, though in not a few cases matriarchal control continued as a hangover.¹⁰

At a much later stage of social development came the union of villages, clans, and gentes that made up the tribe. It probably was brought about by such factors as growing population, the fear of attack by other and stronger groups, the pressure of the food problem, or by the sense of common access to supernatural help, protection, and guidance variously described by primitive peoples as "mana," "orenda," "wakanda."¹¹ Thus a type of social and political organization more comprehensive than primitive groupings, and with a principle of authority independent of kinship, came into play.

In due process this limited association of tribal life, fitted only to primitive conditions, expanded here and there into monarchy and the welding together of great and diverse groups on the basis of authoritarian control. Doubtless the growth of population, the military conquests of ambitious chiefs, and the yearning for leadership in times of crisis had much to do with this expansion of the tribe into monarchy, whether small or great;¹² but a deeper and more potent cause was the pressure of social and economic needs that tribal life and organization could not supply.¹³

Again, as culture advanced, the pressure of other and even greater needs was felt. Though often subconsciously perhaps, people began to crave a larger individual freedom and initiative than authoritarian government could permit, and under this new pressure the principle of citizenship as the basis of a new social and political order began to take shape. The advantages of this newer type of association, as compared with the other types, lie in the fact that it makes possible an order as vital as the clan and as wide as the monarchy while at the same time permitting the necessary freedom for the individual and elasticity for the group which, from the standpoint of essential human and civilized values, are the conditions of real social advance.

In the light of this background, necessarily only briefly sketched, it is crystal clear that the possibility of further advance for modern

¹⁰ See John Fiske, *Outlines of Cosmic Philosophy*, II, 858-62.

¹¹ See Giddings, *op. cit.*, p. 5.

¹² See Aristotle, *Politics*, I, i-iii.

¹³ "Then all the elders of Israel gathered themselves together, and came unto Samuel . . . and said unto him, . . . Now make us a king to judge us like all the nations."—I Sam. 8:4-5.

CITIZENSHIP THE BASIC PRINCIPLE OF THE DEMOCRATIC STATE societies lies, not in the abandonment of citizenship, but in the fuller exploration and the more effective application of it. Contrariwise, it is also clear that the abandonment of the principle of citizenship as the basis of social and political organization for any form of political authoritarianism is not a forward but a backward movement, not progress but retrogression.

3

The earliest application of the principle of citizenship in a really consistent and effective way was in connection with the ancient Greek city-states. So far as history shows, there were only three states of the ancient world—Phoenicia, Rome, and Greece—which developed written constitutions, and of these three the city-states of Greece alone need to be considered in this connection. Knowledge of the Phoenician constitution is too meager to have any particular value for this study. As for the Roman constitution, it was never really democratic, though eventually it did incorporate important democratic features. The so-called Roman Republic that followed the expulsion of the kings in 509 B.C. was in reality the combination of an aristocracy and an oligarchy. The consuls, who replaced the kings, were required to belong to the aristocratic patrician class and were chosen by wealthy landholders of the state. Members of the Senate, likewise, and all the important officeholders of the state were patricians. However, a rebellion of the plebeians, or common people, in 494 B.C. resulted in the system of elected tribunes to stand between the consuls and the common people and to represent the interests of the common people.¹⁴ This system, undoubtedly, was tremendously useful, but it is evident that its incorporation in the Roman constitution by no means converted the constitution into an instrument of democracy in any proper sense.

However, in certain of the Greek city-states, scattered through continental Greece and the near islands of the Mediterranean Sea and over extensive areas of territory bordering on the Mediterranean, there was a real though limited application of the principle of citizenship.

In the more advanced of these city-states, not only was citizenship conferred upon a very considerable proportion of the population¹⁵

¹⁴ See Guglielmo Ferrero, *The Greatness and Decline of Rome*, I, 2-5, 114, 147-48, 179, 185-86, 205, 243-44, 256-61; II, 169, 223-34, 248-50, 334-38.

¹⁵ It is possible, as Giddings affirms (*The Responsible State*, chap. ii), that in the city-states the citizens constituted a minority of the total population and that citizen-

CITIZENSHIP AND THE NEW DAY

but the actual machinery of government, however defective it may appear to modern eyes, was in the hands of the citizens themselves.

Thus in Athens, the largest of the city-states, supreme political power was vested in an electorate which included all male citizens eighteen years of age or more, and the exercise of that power was through an assembly which included the entire electorate. This assembly was a legislature that passed laws intended to be permanent; formulated decrees prescribing the main issues of state policy; and imposed taxes, either upon the citizens generally or upon one particular class.

In fact, the whole power of government resided in this assembly of citizens; and the assembly, functioning as a committee of the whole or as groups of its membership in various capacities, constituted the important agency of the government.

Thus a group of the assembly known as the "thesmothetae" was charged with the responsibility of reviewing the body of laws and annually proposing needed revisions; another group, known as "nomothetai," presided over the process of revising the laws; and another group, consisting normally of six thousand persons and known as the "Heliaea," was responsible for the enforcement of the laws. This group provided the magistrates, who were selected by lot; and the group, divided into sections, also functioned as juries. And a highly important group of the assembly, five hundred in number, known as the "council," also chosen by lot, sat in public and could be approached by any citizen. It prepared the business to be brought before the assembly, appointed various administrative groups or commissions from its own members, and exercised general supervision over all administrative agencies.

The assembly, however, was supreme in all matters of state. There was no king or president or chief magistrate to veto its enactments, and all administrative agencies were directly responsible to it.

From the modern point of view, the defects of machinery that characterized this early democratic social and political organization are obvious enough, but in spite of these defects it is clear that the

ship was confined to an older, aristocratic section of the population. However, in the absence of exact statistical data, this cannot be regarded otherwise than as a conjecture.

A recent study of Greek history expresses the view that during the period of Pericles, who died in 429 B.C., there were about 40,000 voters in Athens, 24,000 resident aliens, 100,000 slaves. In addition to these were the Greek women, who had no part in politics, and all the Greek children. From this it would appear that only about one tenth of the population had political rights.—Walter R. Agard, *What Democracy Meant to the Greeks*, pp. 69-70.

CITIZENSHIP THE BASIC PRINCIPLE OF THE DEMOCRATIC STATE

more advanced of the Greek city-states achieved a degree of freedom for the whole citizen body; developed a sense of civic responsibility; provided a measure of cultural opportunity; and gave, in general, an exhibition of the possibilities of an order based on citizenship that was unique in the ancient world, and that was not duplicated during the long period of more than two thousand years that lies between those city states and the rise of our own republic.

For a score of years, beginning about 345 B.C., the semi-Greek Kingdom of Macedonia, first under the leadership of King Philip and then under the leadership of Alexander the Great, had increasingly menaced the freedom of the Greek city states; but immediately following the death of Alexander in 323 B.C. a powerful coalition of these states was formed, under the leadership of Athens, to square accounts with Macedonia. A year later this coalition was decisively defeated, and Demosthenes, the last great witness and interpreter of Greek democracy, took his own life in order to escape an ignominious execution at the hands of the victorious Macedonians.

This twofold disaster was virtually a death blow to the free government of the city-states, because only a few remnants of such government were allowed to survive, chiefly in Greek communities farthest removed from the seat of Macedonian power; and these remnants of democratic government were eventually destroyed by the mighty power of Rome. What Greek democracy might have become had no external foes appeared, and had its equality been tested by another two or three centuries, it is not possible even to guess.

4

Though the modern democratic state has roots that reach far back in history, as a political entity it covers only a very brief span. It is evident, however, that in this limited period exceedingly important gains have been made in extending and applying the principle of citizenship.

For one thing, the better understanding and, therefore, the more effective use of representation by the modern democratic state presents a notable extension of the principle of citizenship.

As to the origin of representation as a fundamental democratic procedure, there is great difference of view. By some scholars it is confidently traced to ancient Greece and Rome; by other scholars the ancient origin of representation is just as confidently denied. Thus Montesquieu, in *The Spirit of Laws*, declares that the ancients

CITIZENSHIP AND THE NEW DAY

had no notion of it.¹⁶ "The ancients," said Rousseau in *The Social Contract*, "did not even have a word for it."¹⁷ "Representative government," says Bryce, "was unknown" in the ancient world. It was "superfluous where the whole body of citizens could meet in one spot to discuss public affairs."¹⁸

In the view of these scholars, the "beautiful system" of representation, as expressed by Montesquieu, "was invented first in the woods."¹⁹ Its seeds were planted by the despised barbarian in the German and Scandinavian wilds.

This is the Teutonic theory, so widely exploited in the nineteenth century, which holds that the Anglo-Saxon conquerors of Britain brought with them both the institution of popular assemblies and the practice of representation as illustrated by the custom of sending delegates from the tuns to the hundred moats and to the shire moats.

Both of these theories are supported by a wealth of historical material, and together they present, without doubt, the substantial background of the modern system of representation. It is clear, however, that modern representation is unique in one important respect. Whereas under all early procedures—whether Greek, Roman, or early Anglo-Saxon—representation was merely supplementary to a system of primary assemblies, or to a system of authoritarianism, in modern practice it is the normal method of providing an assembly that is the chief agency of government.²⁰ It was failure at this point, as much as anything, that stood in the way of any effective union of the Greek city democracies and the formation of a strong national democratic state that might well have endured for another century and a half, or more. On the other hand, by the larger and more effective use of representation, modern democracies have been able to unite great and widely scattered populations under a highly developed system of democratic control.

It is, of course, true that the progress of education and religion, ease of communication, and the rapid spread of information by promoting community of interest and understanding, did much to prepare the foundation of co-operation that representation in the democratic sense necessarily presupposes. However, it is not at all fanciful to say, with Carl L. Becker, that without the larger and

¹⁶ XI, 8.

¹⁷ III, 187.

¹⁸ *Modern Democracies*, I, 167.

¹⁹ *The Spirit of Laws*, XI, 6.

²⁰ See E. M. Sait, *Political Institutions*, p. 447.

CITIZENSHIP THE BASIC PRINCIPLE OF THE DEMOCRATIC STATE
more effective use of representation, "the United States today would be divided into many small republics, maneuvering for advantage and employing war and diplomacy to maintain an unstable balance of power."²¹

Another important extension of the principle of citizenship is the abolition, by modern civilized communities, of chattel slavery and the abhorrent forms of peonage practiced during the ancient and medieval periods. The most fundamental defect of Greek city democracy, and of medieval city democracy as well, was the fact that citizenship was never fully applied. Side by side with the principle of freedom, on which the state was ostensibly based, the principle of despotism continued to operate.

It seems never to have occurred to the ancient Greeks or to the merchants of the medieval democracies that a democratic state should be composed of all the people inhabiting a given territory. They thought of it instead as an incorporated body of people within, but distinct from, the population of the community. Thus both the ancient and medieval democracies had something of the character of a private association. In other words, democracy was thought of as a convenience rather than as a form of political control grounded in a distinctive ideology of human rights. To these early exponents of democracy, if it rested upon any superiority other than convenience, it was the superiority of their own civilization over the surrounding barbarism.²²

Modern democracy, on the other hand, rests upon an ideology of natural and imprescriptible human rights. Government exists primarily to safeguard these rights, and therefore the democratic form of government is set off from all other forms as the only one under which the individual can achieve in fullest measure the "good life." In other words, the whole people, and not merely a class or section of the people, are the state; and individuals, without respect to race or color or creed, are citizens by nature, or by divine right. Thus for the old doctrine of the divine right of kings, democracy has substituted the doctrine of the divine right of the people, in their collective capacity, to control the state.

In reality, these modern concepts of the state, of citizenship and government, are not modern. They inhere in the ethics of Christianity and have been implicit in Christian teaching from the very

²¹ *Modern Democracy*, p. 12.

²² *Ibid.*, pp. 17-19.

CITIZENSHIP AND THE NEW DAY

outset. However, their infiltration of the social consciousness has been exceedingly slow—so slow, indeed, that even in the so-called Christian states slavery was not abolished until within comparatively recent years and forms of peonage entirely inconsistent with the principle of citizenship are still allowed to exist.

Another, more recent but not less important, extension of the principle of citizenship has come with the legal recognition in advanced democracies of the equal political status of men and women. Though the movement that issued in the establishment of the modern democratic states was based on the doctrine that all men are endowed by nature with the right to participate in the government, to share equally in the choosing of magistrates and in determining the laws by which the community is governed, neither the leaders who formulated the doctrine nor the people at large were able to sense its full import. Understanding was necessarily circumscribed by habits of thought derived from the political restrictions of the long past.

Thus in our own country, at the outset and for many subsequent years, the concept of political equality included only the adult white males of the privileged classes. Any presumption that women possessed by nature a political status equal to that of men, for the most part, simply did not exist. As stated by De Tocqueville, "The sole direction of political affairs falls within the scope of masculine power."²⁸ However, the discussions of liberty which accompanied the war for independence and the process of adopting the Constitution did serve to raise in some minds the question as to the political status of women. If liberty was the grand ideal for all, how did women fit into it? But in the closing years of the eighteenth century this question was asked very softly.

It was not until fifty years later, near the middle of the nineteenth century, that feminism as a social and political movement became one of the disturbing questions that could not be ignored. Under the leadership of a notable group of American women—Lucretia Mott, Martha C. Wright, Elizabeth Cady Stanton, Lucy Stone, Margaret Fuller, and Susan B. Anthony—and backed by a group of remarkably able and discerning men—Wendell Phillips, William Lloyd Garrison, William Ellery Channing, John Greenleaf Whittier, and Ralph Waldo Emerson—the scattered forces working in the interest of political rights for women began to gather for a great mass movement. Women's rights conventions that commanded widespread

²⁸ *Democracy in America*, chap. xiii.

CITIZENSHIP THE BASIC PRINCIPLE OF THE DEMOCRATIC STATE

interest were held at strategic points throughout the nation. At the first of these conventions, held at Seneca Falls, New York, in 1848, a womens' "Declaration of Independence" was proclaimed, setting forth the grand principles of liberty and equality in terms that included women.

By this time, however, the rumblings of the Civil War grew louder and louder, and, as the great conflict broke, interest in the political rights of women naturally died down and the movement was submerged, not to be revived again until the late sixties.

Largely because of other issues that had come to the fore and occupied the public mind, it required three decades more for the interest in equal political rights to become a movement of real importance. Through these decades, say the Beards, "the feminists beat their bare fists against granite, winning here and there the right to vote in some local elections, but awakening little more than amusement among those who sat on high political thrones."²⁴ Then the unexpected came. At the turn of the new century the movement was becoming an avalanche, with the result that in 1920 the Nineteenth Amendment to the Constitution was submitted, and with its ratification the battle for equal political rights of men and women was won.

This constitutional enactment forbidding the denial or abridgment of the right to vote on account of sex, together with the general realization that in all the essential qualities which enter into the exercise of political functions women are the equals of men, marks another important extension of the principle of citizenship.²⁵

Though in the light of these observations it would seem, on the face of it, that in the United States, at least, the legal extension of the principle of citizenship has about reached the limit, such, in fact, is not the case. To discerning Americans it is evident that there are still many conditions growing out of ignorance, race prejudice, and economic maladjustment that must be corrected and to some extent, at least, corrected by law before American citizenship can function, the nation over, in a manner that even approximates equality.

²⁴ *The Rise of American Civilization*, II, 565; see also I, 754-61 and II, 562-65.

²⁵ It is not meant to affirm that the suffrage is coextensive with citizenship. In all democratic states it is recognized that for reasons of state, as in the case of youths who have not reached a certain age limit, the exercise of the suffrage may be denied without the invalidation of citizenship. In the case of women, however, it should be recalled that, besides their political disabilities at the time our Republic was established, they were the victims of immense legal, educational, economic, and other disabilities which amounted to an inferior social status entirely incompatible with the principle of citizenship.

CITIZENSHIP AND THE NEW DAY

Furthermore, it is clear that we still have the immense problem of developing a citizenship that functions in a manner that measures up to the presuppositions and needs of the democratic state. And this problem is greatly accentuated by the new, complex conditions of society which have arrived.

There still remains the problem of developing a general realization of the principle that "whoever wishes to assert his will as a member of the community must not only consent to obey the will of the community, but bear his share in serving it. As he is to profit by the safety and prosperity the community provides, so he must seek its good and place his personal will at its disposal. Benefit and burden, power and responsibility, go together. Duty is the correlative of right." ²⁶

These words of a great English statesman reveal, as by a flash of light, the fundamental educational problem of democracy. It is a problem that modern democratic education, as yet, is only beginning to vision and has by no means solved.

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²⁶ James Bryce, *Hindrances to Good Citizenship*, p. 9.

Chapter II

The Incubation of Citizenship in America

Abstention from participation in government is impossible under the conditions of modern life. Men must either govern or be governed; they must take part in the control of their own lives, or they must lead subject lives, helplessly dependent in the little things and great things of life upon the will and power of others.

—ELIHU ROOT

Our individualism differs from all others because it embraces these great ideals: that while we build our society upon the attainment of the individual, we shall safeguard to every individual an equality of opportunity to take that place in the community to which his intelligence, character, ability, and ambition entitle him; . . . that we shall stimulate effort of each individual to achievement; that through an enlarging sense of responsibility and understanding we shall assist him to this attainment, while he in turn must stand up to the emery wheel of competition.

—HERBERT HOOVER

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1. THE HETEROGENEITY AND CHARACTER OF THE EUROPEAN COLONIZERS OF AMERICA
 2. THE INFLUENCE OF THE AMERICAN WILDERNESS
 3. THE PREPONDERANCE OF ENGLISH CONCEPTS
 4. THE RIPENING IN AMERICA OF THE NEW FAITH RELEASED BY THE REFORMATION
 5. HOW BRITISH COLONIAL GOVERNMENT MADE FOR AMERICAN UNITY AND INDEPENDENCE
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"THE MODERN STATE," says L. T. Hobhouse, "is not a fixed and crystallized type, exhibiting a single principle of construction consistently carried through. On the contrary, . . . the state as we know it is not a solution, but a problem; not a fixed point that has been attained, but a movement. Its history ends for us in a question. This question, moreover, involves a philosophy, and that alone would explain why a study of the facts in sociology forces us, even against our will, into philosophical inquiries."¹

The pertinence of these observations as they apply to the rise and growth of the United States as a political entity is obvious. The

¹ *Social Evolution and Political Theory*, chap. vii, p. 150.

CITIZENSHIP AND THE NEW DAY

philosophical inquiry involved in a study of American colonial history necessarily gathers about the incubation and development of citizenship. It is not that American colonial association ever represented a clear notion of citizenship and its implications, but rather that in the conditions which obtained the concept was implicit and its emergence through subsequent developments entirely natural. It is evident indeed that never at any period has American society represented a single movement on the lines of citizenship. On the contrary, it has presented a great variety of movements, some of which in due time coalesced with the movement to establish an order based on citizenship and served to strengthen that movement. Other movements, however, proving wholly contradictory, have presented hindrances to democratic progress that have been overcome only at the cost of great struggle and loss. Viewing, therefore, the entire course of American social and political developments, we can see that even from the outset the principle of citizenship has played a definite and important part, and, though never consistently and fully applied, for over a century and a half it has been dominant.

1

Commenting upon the period of American colonization and the democratic society and institutions eventually derived from that period, James Bryce expressed the view that "the United States of America was predestined to democracy."² It is clear, however, from the context of the statement that it did not stem from any theory of predestination in the Calvinistic sense, but referred primarily to the particular combination of factors, both human and nonhuman, that obtained throughout the formative period of American society. These factors were such that to the noted historian and statesman it seemed evident that their conjunction over a long period clearly foreshadowed a social and political system in which the principle of citizenship was dominant and determinative. Among the more important of these factors were the heterogeneity and general character of the main stream of European colonizers; the influence of the American wilderness; the preponderance of English settlers with their keen sense of personal rights, their common-law inheritance, and their urge for liberty; the great distance of the new colonies from the seats of authority in Europe; and the contribution of progressive religious leaders and groups.

² *Modern Democracies*, I, 33.

THE INCUBATION OF CITIZENSHIP IN AMERICA

The first of the colonizers to arrive on our eastern seaboard were English, and during the most of the seventeenth and a large part of the eighteenth century English immigration was a steady movement. Though a few of these arrivals proved to be a more or less undesirable element, since they were primarily gold seekers and adventurers, with a modicum of debtors and petty criminals released from English prisons with the connivance of the trading companies and sent to America as common laborers under a system of indenture, for the most part they were entirely worthy and responsible types, belonging to the great English middle class, chiefly the lower middle class. In their homeland they had suffered greatly from harsh economic conditions and one of their chief motives in coming to America was the hope of achieving material betterment.

Furthermore, a larger proportion of these seventeenth and eighteenth century English arrivals were adherents of various English nonconformist religious groups, particularly Separatists, or Independents, Puritan dissenters, Baptists, Quakers, and Catholics.³ Periodically during this long period of more than a century and a half some or all of these groups were subject to bitter persecution at the hands of the Anglican state church hierarchy supported by political authorities. Thus another and possibly even stronger motive of these English sectarians in seeking America was to find religious asylum. The Separatists and Puritan dissenters⁴ settled in Massachusetts and Connecticut, the Baptists in Rhode Island, the Quakers in North Carolina,⁵ Rhode Island, and Pennsylvania, and the Catholics in Maryland. Gradually also, coming a few at a time with the nonconformist immigrants, a goodly number of Anglicans settled in Virginia.

In the latter part of the seventeenth century a great tide of Scotch-Irish Presbyterians, augmented by individuals and whole communities from Scotland, also Presbyterians, began to arrive in America, and continued to do so for generations. During the same period came a few French and a more substantial number of Germans, likewise the victims of religious persecution. The French generally turned to

³ English Catholics of the period also were dissenters, because in common with other dissenting groups they opposed the Anglican state church.

⁴ The Pilgrim settlers of Plymouth, Massachusetts, variously known in England as Brownites, Comeouters, Separatists, and Independents, were rebels against the established Anglican Church and regarded as religious outlaws. The Puritan settlers of Massachusetts, at least when leaving England, were Anglicans but dissenters against what they considered corruption and popish practices.

⁵ The first Quaker community in America was established in North Carolina as a result of a visit of George Fox to that section in 1671.

CITIZENSHIP AND THE NEW DAY

mercantile pursuits and for the most part established themselves in the coastal communities. The Germans to the extent of 100,000 or more, up to the outbreak of the Revolution, settled as agriculturists in New York, Pennsylvania, Maryland, and even farther to the south. Dutch and Swedish Protestants in considerable though lesser numbers congregated in New York, Pennsylvania, and Delaware. Likewise, mingling with the other inhabitants of nearly all the colonies was a sprinkling of Irish, Celtic in race and Catholic in religion; a few Welsh and Spanish; and Jews from many lands fleeing as of old from religious and economic oppression. According to the estimates of historians, necessarily based upon incomplete data, there could hardly have been more than 250,000 settlers in the colonies by 1700, but by 1790, as a result of immigration and natural increase, this number had grown to as many as 3,000,000, about 60 or possibly 70 per cent of whom were English.*

2

The sturdy character and worth of the immigrants in general who settled America, and also the new arrivals of the eighteenth century who collaborated in the developments which led up to the Declaration of Independence, is evidenced even by a casual study of the history of the period. The hazards of the American venture from the founding of Jamestown in 1607 until well up into the eighteenth century were so great that presumably only the most courageous, independent, enterprising, self-reliant, self-sacrificing, and determined people would undertake it. Naturally these original qualities, more or less characteristic of all the varied racial American pioneers, were greatly strengthened by the ruthless conditions they encountered in the New World and were obliged to overcome in order to survive. The record of the struggles, the suffering, the endurance of those who founded the early coastal communities constitute a saga of dauntless heroism that we can now only dimly understand. Gradually, as these sections became more thickly populated, many of the inhabitants joined by new arrivals from Europe moved to the unexplored interior where they became dispersed over a vast territory, and virtually released from all the ties of the older coastal settlements as well as from those of Europe. In these isolated primeval

* The directors of the twelfth census, using the incomplete records of 1790, estimated that four fifths of the total population of the New Republic at that time were English. Other statisticians, however, speaking for other racial groups, vigorously protest this estimate.

THE INCUBATION OF CITIZENSHIP IN AMERICA

sections they were beset with constant dangers and compelled to grapple incessantly with wild beasts, hostile aborigines, storms, floods, drouths, and pests of many kinds—in fact all the untamed forces that unconquered nature invariably supplies. This daily association and struggle with uncompromising nature, which so speedily and relentlessly weeded out the outfit, could not fail to strengthen the elements of individual character which are primary and indispensable in all self-governing communities. However, it was not merely the individual lives of the people that were affected by American frontier conditions, but the associated life as well. Although in numberless instances those who consorted in these small agricultural communities in the wilderness represented many racial types, there was no marked hostility as between classes, no animosities against rank and wealth, because during the whole period that the foundations of American society were being laid the influx of people from Europe was for the most part from the more indigent classes. This equality of rank and status made comradeship easier, and the common perils which beset the frontier helped to deepen and vitalize that comradeship, and thus to encourage and pave the way for the fusion of racial elements which contributed incalculably to the formation of a new American race. This comradeship was also the basis of the democratic habits and way of life which developed on the frontier. Communities sparsely settled, primitive and simple in character, presented none of the complex problems with which the modern community must deal. Nevertheless, they represented an associated life that involved common action, and within the limits of that associated life individuals functioned as citizens, and the crude beginnings of a democratic social order took shape. It is evident, moreover, that this frontier democracy was not merely accidental, the fortuitous interplay of circumstances. Since it was rooted in a comradeship, and a community of interests wholly natural under the conditions which the frontier supplied, it must be regarded as a spontaneous social process that was determined by the germination of an inward life of ideals, sentiments, and ruling passions destined in due time to embody itself in more complex social and political forms than the elementary association of the frontier community allowed.

From year to year throughout the entire colonial period, as population increased and pressed westward into new lands, as settlements in the wilderness multiplied, as the process of racial mingling and fusion continued, there was a cumulative influence radiating from

CITIZENSHIP AND THE NEW DAY

the frontier that entered deeply into the whole structure of colonial life. Its effect in general was to accentuate the spirit of democracy, and greatly to hasten democratic processes.

3

The preponderance of English colonists was another and perhaps the most important of the factors which in combination prepared the way for the American experiment in citizenship. Because the English were so greatly in the majority their influence in due time naturally dominated the entire colonial scene. Their language, except in a few scattered communities, gradually was recognized as the common language, and thus became a powerful unifying influence. Likewise the English common law, the growth of centuries and the basis of all the personal rights claimed by Englishmen in the homeland, slowly infiltrated the whole variegated structure of colonial society, and was accepted to a greater or less extent as a guarantee of personal liberty; as the basis of personal justice and right; and in general as a source of protection to which appeal could be made against the petty tyrannies so frequently practiced under all the forms of government which had been devised in Europe to administer colonial affairs.

More significant, however, in preparing the way for an order based on citizenship were the basic political concepts which also were imported by the English colonists. In origin, these concepts reach back to the Anglo-Saxon period of English history that antedates the Norman conquest of 1066. Buried for a century and a half under the Norman avalanche, they were resurrected and confirmed in Magna Charta, wrested from King John in 1215; redefined and clarified in later charters; and brought to America by the English immigrants quite as naturally as they brought their language and their common law.

One of these concepts was that community affairs of purely local import should be managed by the local community. Another was that inherent in organized political society there was a sphere of common rights which government in any form was not at liberty to violate. Another was that some participation by the people in their government was necessary in order to conserve these rights. Still another was that in case their rights were violated the people might lawfully compel the observance of them by the use of force.

Though these concepts did not in themselves constitute a democratic faith, it is clear that they definitely pointed toward such a

THE INCUBATION OF CITIZENSHIP IN AMERICA

faith. Naturally, as English influence spread throughout the colonies, these political concepts were spread and were rapidly expanded, more so than occurred meanwhile in England, as a result of the less stabilized and free conditions of American society. Long before the outbreak of the Revolution the process of absorbing and expanding English political concepts had reached a stage in many of the colonies that made it entirely clear that a new American democratic faith was definitely taking shape.

The records of the various English settlements and their development into great colonial states present a convincing picture of the process by which English political concepts under the impact of American conditions in due time provided the essential basis of ideals and convictions that made inevitable a democratic social and political order.

The settlement of Virginia in 1607, the first English venture in America to become permanent, was frankly a commercial enterprise. For over a decade the group of English traders, known as the Virginia Company, who sponsored the enterprise, thinking mostly of profits and forgetful of the established rights of Englishmen in the homeland, attempted through an executive system of a governor and council, appointed by the company, to direct the affairs of the new settlement in a purely autocratic way. By 1618 the failure under this system to secure the peace and contentment of the settlers was so evident that, at the instance of Sir Edwin Sandys, a liberal member of the company, a "charter of grants and liberties" was provided.⁷

The next year, in July 1619, a popular assembly, as provided by the new charter, convened in Jamestown, the first representative body to meet in America.⁸ Apparently all the inhabitants in the settlement, including freeholders, householders, servants who had served their time, and servants under indenture, were allowed to vote for the delegates who made up the Assembly. Only women, children, and apprentices under age were denied that privilege. This assembly was not a legislative body in the democratic sense, because its action at every point was limited by the authority of the company. However, it did represent definite, but limited, citizen participation in the government of the settlement since it possessed authority to recommend important modifications and extensions of laws provided by the company; to frame and submit new laws for the approval of the company; to bring to the notice of the governor

⁷ See Andrews, *The Colonial Period of American History*, I, 184.

⁸ *Virginia Magazine of History*, July 1940, p. 38.

CITIZENSHIP AND THE NEW DAY

and council various quasi-judicial matters which required action; to vote limited tax levies; and to fulfill various other functions of a similar nature. In its essential character, however, the Virginia Assembly, designated House of Burgesses, was merely an advisory body and not a legislature with authority delegated by the electorate to make its will effective.

In 1624 Virginia became a royal colony, and for the next fifteen years,⁹ as a result, no doubt, of political confusion in England, the Assembly, representing a steadily growing and widely scattered population, continued to meet at irregular intervals although these meetings had no legal standing. By the end of that period the principle that a royal colony could be in part at least a self-governing community had become well established in England, and accepted by the English government. The plan of a governor and a council appointed by the crown and a representative assembly chosen by the voters of the colony was not self-government by any means; but it was a definite step in that direction and a factor of great consequence in preparing the way for a system of self-government.¹⁰

The English settlements in New England were religious as well as commercial enterprises. As Englishmen the New England colonizers shared the social and political concepts common to their fellow countrymen of the period. As religionists they shared the views of organized society which had developed in connection with Protestant thinking following the Reformation, particularly the body of thinking known as Calvinism.¹¹ Both of these factors played an important part in the settlement of New England.

In all the earlier settlements—Plymouth, founded in 1620; Salem, Charlestown, and Boston, in 1629-30; Hartford, Windsor, and Wethersfield, in 1635-36; Providence and Portsmouth, in 1636-38; New Haven and a few others on Long Island Sound, in 1639-40—religious

⁹ See Andrews, *op. cit.*, I, 199-202.

¹⁰ From the standpoint of democratic progress Virginia at the outbreak of the Revolution was one of the most advanced of the colonies. Her statesmen were among the foremost leaders, and her great "Declaration of Rights" (June 12, 1776) preceded the Declaration of Independence.

¹¹ See John Calvin, *Institutes of the Christian Religion*, IV, xx, published in 1535. This book, together with Calvin's theocratic experiment in Geneva, greatly influenced the Puritan emigration to New England. The Calvinistic theory of organized society implied three fundamental concepts; (1) religious qualifications for political activity, (2) the predominant position of the clergy in public affairs, and (3) the employment of civil government for the enforcement of church regulations. These theories derive from the concept of a theocratic state, for the government of which the laws are revealed in the Scriptures, particularly the Old Testament, and the church is divinely ordained to interpret these laws.

THE INCUBATION OF CITIZENSHIP IN AMERICA

concepts, at the outset at least, played a dominant part. Furthermore, the evidence is clear that throughout the formative period these settlements and the colonial groups which grew out of them greatly influenced one another. In developing political forms they all followed a general pattern. There were important differences in particulars, but the framework in all bore close resemblances.

The original group who settled Plymouth consisted of one hundred and one persons, men, women, and children, ninety-six of whom—including fifty-six adults, twenty boys, eleven girls, and nine servants—were religious independents, seceders from the Anglican state church. The remaining five were men associated with the group but, apparently, not coreligionists. Before going ashore, these colonizers took an important and highly significant step toward political organization. A solemn agreement was drawn, in which due obedience and submission was promised "to whatever laws, ordinances, acts, constitutions and offices should be thought most meet and convenient for the community"; and it was signed by forty-one adult members of the group. This was the famous "Compact of the Pilgrim Fathers," the democratic implications of which are obvious. In practice, however, except in the brief formative years, the essential principles of the Compact played small part in the actual government of Plymouth. With the coming of other immigrants, the growth of the community, the scattering of population, and the founding of other coreligionist communities, pronounced oligarchical tendencies developed and the franchise was limited to such an extent both in Plymouth and in the associated settlements that the democratic ideals of the Compact were all but submerged.¹²

With the extensive Puritan immigration which began in 1629, resulting in the immediate establishment of the Salem, Boston, and Charlestown settlements, and the first Connecticut and Rhode Island ¹³ settlements only a few years later, social and political developments were nowhere wholly particularistic. Experiments that proved

¹² Roland Usher in a careful study of the Plymouth Colony, *The Pilgrims and Their History*, shows that as early as 1636 a rigid pyramidal social structure had been developed. At the top was a small group of "undertakers" who dominated the economic and political life of the colony. Below them was a small body of freemen, mostly church members. Lower still was a group called inhabitants, regarded as potential freeman. At the bottom was a considerable class of landless people, apprentices, and a few slaves.

¹³ The two most prominent leaders in the settlement of Rhode Island, Roger Williams and Anne Hutchinson, had been associated with the Puritan church groups of Massachusetts, Williams as a member of a Salem church and Anne Hutchinson as a member of a Boston church.

CITIZENSHIP AND THE NEW DAY

successful in one community or colony were often copied, though it might be with variations, by the others. Thus the plan of an agreement or compact adopted by the Pilgrims came to be regarded as the foundation of government in all the settlements, and on the basis of such an agreement a measure of local self-government through the medium of a town meeting was generally practiced. As these settlements increased in number, movements in the direction of colonial commonwealths were inaugurated. As these commonwealths took shape, the same pattern of general government was followed; a general court, or assembly, made up of the governor and his assistants and deputies from the various communities, was established as the agency of government. At a later stage of this centralizing process the Plymouth Colony with its ten communities was absorbed by the Massachusetts Bay Colony, and the New Haven Colony, which included several small settlements on Long Island Sound, was absorbed by the Connecticut Colony.

It is evident that all these New England colonial developments present a framework of government that admits the principle of citizenship, but in the actual use of the framework the principle was allowed to function in a more limited way than appears on the surface. In the Massachusetts Bay and New Haven colonies, from the outset; and in the Plymouth Colony, excepting the brief years in which the "Plymouth Compact" was remembered; the minds of people were greatly confused by theocratic ideas of the state derived from Calvin's Institutes.¹⁴ In the Massachusetts Bay and New Haven colonies only church members were accorded freemanship with limited powers to participate in government.¹⁵ This was not equivalent to citizenship by any means, but within narrow limits, particularly in the conduct of local affairs, citizen prerogative was recognized.

In Connecticut the theocratic view of the state was abandoned early, if indeed it was ever held strongly, by the group who followed Thomas Hooker to Connecticut and who settled Hartford, Windsor, and Wethersfield. In a famous sermon delivered by Hooker on May 31, 1638, he declared that "the foundation of authority is laid in

¹⁴ Calvin, *loc. cit.*

¹⁵ By action of the General Court of the Massachusetts Bay Colonies, May 18, 1631, it was decided that "Noe man shall be admitted to the freedom of the body politike, but such as are members of some of the Churches." In general elections the free men had power only to elect the assistants to the governor. These in turn elected a governor and a deputy from their own number, and the governor, the deputy, and the assistants made the laws and chose the officers to execute them. In local affairs the free men exercised more extensive powers.

THE INCUBATION OF CITIZENSHIP IN AMERICA

the free consent of the people." On its face this statement would seem to imply that every male adult in the colony was given a right to participate in government and that in the exercise of that right the majority ruled. The fact is, however, that political status was rigidly graded. Freemen only could attend the court of election, vote for the higher colonial officials, offer themselves for election as deputies, or fill the position of magistrate. Admitted inhabitants, a class below the freeman, were limited to participation in local affairs including the election of deputies to the General Court. Moreover, since neither women, servants, apprentices, nor anyone convicted of a scandalous offense, which might signify nothing more than a slight violation of the Puritan moral code, had any voice whatever in the management of political affairs, it is certain that "the free consent of the people" meant much less than it necessarily must mean in a really democratic society.¹⁶

In Rhode Island, however, a near approach to citizenship and democratic institutions in the modern sense was made. Those who laid the foundations of the colony conceived the state as a body of people who had fundamentally in themselves the source of power to select their own form of government, to choose their public officials, and to determine the bounds of authority which they exercised. In the words of Roger Williams, "The sovereign power of all authority is found in the free consent of the people." But in practice the colonists of Rhode Island, just as the other colonists, often fell short of their idealism. Nevertheless, it seems clear that from the outset they gave to their social structure a broader popular basis than obtained in any other New England or American colony.¹⁷

It may be said, therefore, that from the very outset the principle of citizenship, like a choice plant struggling to grow in the midst of thorns and weeds, had a real though limited place and value in the colonization of New England. Rooted in the Christian ideal—"We have one Father, even God"—that was the very heart of Puritanism

¹⁶ Both "freemen" and "admitted inhabitants" were selected under the authority of the General Court. Though in neither case was selection based on church membership, the method appears to have been somewhat arbitrary. Admission to both classes was based on the ownership of property, and an oath of allegiance including an assertion of belief in Trinitarianism.—Andrews, *op. cit.*, II, 104-6.

¹⁷ In a notable passage in the *Bloody Tenent* (chap. vi), Roger Williams characterizes as "citizens" the whole body of inhabitants: "Pray for the peace of the City, which City or Citizens, so compacted in a civil way or union, may be entire, unbroken, safe." Perhaps, as suggested by Andrews (*op. cit.*, II, 61-62) the founders of Rhode Island in giving effect to their idealism were able to proceed very slowly because the people in whose interest it was undertaken were unable by habit or unwilling by temperament to co-operate effectually.

CITIZENSHIP AND THE NEW DAY

despite its aberrations, and subject to the peculiar social conditions which obtained in New England, the principle was predestined to expand and in due time to assume paramount importance.

There were, in particular, three features of New England colonization which made for democratic social and political organization. One of these was the use of the social contract¹⁸ in the founding of new communities. Though in fact the form of government produced by the contract was based as a rule on a restricted view of citizenship, nevertheless the theory of the contract served to emphasize and in a measure to clarify the basic democratic principle that the unit of the state is the individual in his capacity as a citizen. In order to safeguard the individual it happened not infrequently, as is illustrated by the "Body of Massachusetts Liberties," that the contract contained an enumeration of individual civil rights. This early practice undoubtedly had much to do in bringing about the incorporation of "bills of rights" in the national and state constitutions of a later date.

The second feature was the government of the local community by means of the town meeting in which the freemen discussed policies, elected magistrates, passed resolutions, enacted ordinances, and in general maintained control of local affairs.¹⁹ In theory the town meeting was an agency of democratic control, but because of a limited franchise based on a rigid social stratification it failed at the outset to operate as such an agency. However, as the old stratification broke down and church membership was superseded by property ownership as the suffrage qualification, the town meeting assumed a different character. It gradually became entrenched in New England community life as a highly effective means of promoting citizen thinking and intelligent participation in political affairs.

The third feature was the organization of independent local church groups. The Pilgrim Separatists and their coreligionists had developed such groups before leaving England. The Puritans, however, belonged to the Anglican state church, and had come to the New World with the definite idea of setting up the Anglican system purged of ecclesiastical abuses to which they objected in the homeland. But far removed from the seats of ecclesiastical authority and entirely dependent upon their own resources, they also became Separatists and joined forces with the Pilgrims in a Congregational

¹⁸ Examples of the social contract are: the Plymouth Compact of 1620, the Providence Agreement of 1636, the Portsmouth Agreement of 1636, the New Port Declaration of 1641, and the Body of Liberties of Massachusetts Bay of 1641.

¹⁹ Without doubt the origin of the town meeting reaches back to the practices developed by the "tun" during the Anglo-Saxon period of English history.

THE INCUBATION OF CITIZENSHIP IN AMERICA

church system.²⁰ For a long period, however, these Congregational churches, like the town meeting, were congregational, or democratic, in name only, because authority was concentrated in the hands of a few church dignitaries; but the idea of a church group governed by the members, once established, gradually gathered force. In due time the members of each congregation were able to gather the authority into their own hands; and with the increase of population, the multiplication of communities and churches, these democratic church groups became, and have continued to be, a potent instrument of democratic education.

Like the New England colonies, the proprietary²¹ middle and southern colonies combined, though in unequal degrees, a commercial and religious purpose. Unlike the New England colonies, however, they were developed according to a pattern that was essentially feudalistic. The difference between the two grew out of the fact that the former in the main represented the new rising commercial class of English cities and towns while the latter represented the conservative country landed class which still dominated English politics. Because of their feudalistic leanings, the proprietary colonies present on the whole a rather somber picture of autocratic control, a picture, however, that is relieved somewhat by a significant and promising glimmer of liberalism occurring here and there.

One such glimmer was the extensive citizen participation in government that obtained for a brief space after 1677, under the Quaker proprietary of West Jersey. The organ of government for this colony was a general assembly corresponding to the General Courts of New England, and was made up of all the proprietors residing in the colony, representatives of the freeholders, and inhabitants. This assembly possessed supreme governmental power within the limits of a formal compact specified as "Laws, Concessions and Agreements," that was formally approved by the whole body of proprietors, freeholders, and inhabitants coincidently with the founding of the colony. Among the prerogatives of the Assembly were the right to designate the time for meeting and adjournment, the right of free discussion, of voting by secret ballot, of appointing magistrates, of levying taxes, and of controlling all legislation. This obviously was a

²⁰ See letter of John Endicott, Governor of the Massachusetts Bay Colony, to William Bradford, Governor of the Plymouth Colony, cited in full in *The Story of the Congregationalists*, by Leonard W. Bacon, pp. 81-82.

²¹ The proprietary colonies were New Hampshire (1623), Maryland (1632), New York (1664), New Jersey (1665), South Carolina (1670), Pennsylvania (1682), Georgia (1733).

CITIZENSHIP AND THE NEW DAY

near approach to a free community, more definitely so because the "Laws, Concessions and Agreements" provided for liberty of conscience, security from illegal arrest, trial by jury, and a guaranty of individual rights. However, it was still true that the colony was a proprietary, and thus in the grip of an authority outside the people, an authority that conceded rights and liberties to the people but did not regard them as residual in the people.²²

Even more significant, in contrast to the general autocracy of the proprietaries, was the comparatively free community life achieved by the Quaker colony of Pennsylvania, established in 1682. William Penn, the founder of the colony, was not a believer in democracy any more than were the other idealists of his time, and in projecting his colony he had no intention of establishing a democratic community. Because of his Quaker leanings, however, he chose to interpret his authority less strictly than the other proprietors. The compendium of laws upon which he organized his colony was essentially a code of Quaker principles applied to the actualities of a new frontier colony. Though his scheme of government made provision for a governor, a council, and an assembly under which extensive personal rights and liberties were guaranteed, it was nevertheless autocratic in character. Virtually all the power of government was vested in the proprietor²³ and the council appointed by him. The Assembly represented only the freeholders, and its chief function was to accept or to reject measures proposed by governor and council. It had no authority to initiate legislation on its own accord. Since the colonists were largely Englishmen,²⁴ as well as Quakers, who shared the more liberal views of government which at the period were disturbing English politics, they were far from being satisfied with the scheme of benevolent autocracy provided by Penn. The result was long-continued agitation and dissension on the part of the colonists, which brought little practical result until the year 1701. At that time, and largely because he was tired of the struggle with the col-

²² By 1683 the "Laws, Concessions and Agreements" were replaced by the "Fundamental Constitutions," which limited the franchise to freeholders. In 1685 the proprietary rights of the colony were purchased by a London physician, who appointed a deputy governor for the colony. From that date to 1692 no meeting of the Assembly was called. On March 4, 1692, the colony was purchased by a group of London merchants, who quickly did away with Quaker supremacy.

²³ Under the proprietary rights provided by his charter Penn himself was governor while residing in the colony. During his periodic absences he appointed a deputy governor.

²⁴ For thirty years after the founding of the colony the colonists consisted mainly of English Quakers and a few Welsh, and Dutch, possibly also Quakers.

THE INCUBATION OF CITIZENSHIP IN AMERICA

onists and greatly mellowed in spirit by numerous private troubles, Penn expressed a willingness to make really important concessions by granting to the Assembly the power to determine "what laws are fit to be left out and what to be made"; "to alter anything that jars and to prepare it if a law is wanted for this or that."²⁵

The Assembly, taking Penn at his word, soon prepared a scheme of government that disposed of the Council, thereby creating a unicameral system, and assumed entire control over legislation, taxation, and its own organization and membership. This undoubtedly was an important step toward free government based upon citizen prerogative, a consummation, however, that was prevented by three features of the new system: the continuance of a franchise based on property possession,²⁶ the appointment of the governor by the proprietor, and the fact that copies of all legislation had to be sent to England for the king's approval.

4

From the beginning of the eighteenth century until the outbreak of the war for independence there was cumulative evidence in all the colonies that a new American social order, distinguished by a new consciousness of individuality and a new sense of the primary place and function of the individual in the organized community, was in the making. The various factors previously noted, more or less isolated and independent during the seventeenth century, but working now in combination, operated powerfully to produce this result.

In conjunction with these factors, two others no less distinct and potent came more and more into play. One of these factors was distinctly spiritual, and through the various Protestant groups—English Independents, Puritans, Quakers and Baptists, Scotch Presbyterians, French Huguenots, Dutch and Walloon Protestants, Swiss Calvinists, and German Protestants of many diverging sects—who met and mingled in colonial community life can readily be traced back to the Reformation. Until Luther's stand at the Diet of Worms, the individual as such had counted for little. The divine right of kings, princes, and potentates was everywhere acknowledged; but the divine right of man as man was not recognized. Luther's reply when ordered by the diet to recant his heresies—"Unless I am convinced by Scripture and right reason I neither can or will recant anything, since it

²⁵ The Charter of 1701, published in *Colonial Records*, II, 56-60.

²⁶ The franchise was limited to freeholders and those who could pay what amounted to a somewhat heavy poll tax.

CITIZENSHIP AND THE NEW DAY

is neither right or safe to act against conscience"—was essentially a declaration of the divine in each human being, and therefore the right of each human being to count as a distinct individuality, to develop and live out his individuality.²⁷

As the Reformation spread, faith in man as man was shared in some form by Protestant groups in almost every European country, and it was in large part the refusal to compromise this faith that instigated the migration of these dissenters to America. Implicit in their faith, though often obscured by oddities of creed and practice, was the essential individualism that is fundamental in American social and political organization.

The other contributing factor was wholly American and grew out of the particular conditions under which these religious, sectarian, and other immigrants necessarily labored in laying the foundations of an American social and political order. In Europe the new faith released by the Reformation necessarily developed slowly, because of century-old institutions and customs. Under American conditions, however, the new faith, freed from hampering traditions and far removed from the center of ecclesiastical and political authority, soon began to ripen and to slough off or greatly to modify divisive creedal forms and practices. Eventually it began to produce an ideal of individual sanctity, of capacity for intelligence and character, and of inherent rights and responsibilities which spelled greater self-direction, co-operation, equality of opportunity, and mutual service than had ever before appeared in political society.²⁸

This, for lack of a better name, we call "American individualism." It is unfortunate that in current discussions this term has been confused with the economic doctrine of *laissez faire*, or noninterference by government in the economic sphere, because this confusion has served to obscure values which are basic in the American system of government and of the utmost significance for the conservation and development of American democracy. The truth is that individualism in its proper sense is the very core of democracy. It necessarily conditions political freedom and citizen prerogative. The death of individualism would carry with it the passing of democratic association, organization, institutions, and civilization.

Accompanying these developments in the various colonies that

²⁷ See George P. Fisher, *History of the Christian Church*, pp. 297-98; and S. G. Smith, *Democracy and the Church*, p. 197.

²⁸ See Keyserling, *America Set Free*, pp. 270 ff.; and Herbert Hoover, *American Individualism*, pp. 1-15.

THE INCUBATION OF CITIZENSHIP IN AMERICA

visioned political freedom and self-government, and deriving impetus from these developments, was a movement that looked toward colonial unification and the establishment of a large area of political association. Definite proposals, put forward by colonial leaders, with a view to union of a part or all of the colonies, began as far back as 1637, with the discussion of plans for the New England confederation, and continued periodically to be made until the war for independence was almost in sight.²⁹

It is true that the common dangers presented by the frontier, and the growing intensity of the struggle between England and France for supremacy in North America provided a powerful motive for some sort of intercolonial union. The complete story of the period, however, clearly shows that other and more enduring incentives originated in the increase of population, the overcoming of isolation, the extensive mingling and fusion of different racial elements, the preponderance of English influence, a growing sense of kinship, and a common interest.

While nothing permanent resulted from these sporadic proposals, they nevertheless had a definite educational value. Precedents were established and a fund of experience accumulated, which constitute the historic background of the temporary union of the colonies under the Articles of Confederation, provided after the war for independence began, and the permanent union established later under the Federal Constitution.

5

Coincident with colonial internal developments the British government was gradually working out and giving effect to a comprehensive colonial policy planned and implemented to manage colonial economic life in the interest of British commerce. One feature of this policy was the gradual conversion of the various colonial types into royal colonies thus centralizing colonial governmental authority in the hands of the British government. At the time of their establishment three of the colonies were a corporate type, that is, they were founded by chartered corporations organized in the interest of economic exploitation. Four others were independent in the sense that they were founded by people acting without the authority of a

²⁹ Other examples of such proposals are the plans discussed at the Albany Conference of 1684; the plan drawn up by William Penn in 1697; the Benjamin Cox plan of 1722; the Richard Peters and Benjamin Franklin plans discussed at the Albany Conference of 1754.—Eriksson and Rowe, *American Constitutional History*, chap. iv.

CITIZENSHIP AND THE NEW DAY

charter. The remaining six were proprietary, established by an individual or a group of individuals acting under the authority of a charter or patent obtained from the crown.³⁰

Of the original thirteen, seven had been converted into royal colonies by 1775, governed without charters and largely controlled through governors and councils appointed by the crown. One of the independents had become semiroyal, two others had become corporate in form, and three had survived as proprietaries, but with considerably lessened powers.³¹

For two decades before the break with England the structure of government in the colonies followed a general pattern. While there were some variations in particulars, they were not highly significant. In each of the colonies there was a governor and council of advisers or assistants, appointed or approved, except in the two corporate colonies, by the crown.³² In most of the colonies governor and council, whose functions were primarily administrative, served also as a court of appeal from the *nisi prius*, or jury, courts.

In each colony there was also an assembly elected by the qualified voters. In theory each assembly represented all the people of the colony, but in consequence of a limited franchise the bulk of the people actually had no voice in electing its members. In general these colonial assemblies were a more influential and important branch of government than the councils. They initiated legislation, and controlled finances, thereby imposing a definite check upon the actions of the governors, whose powers in theory at least were second only to those of the crown.³³ Possibly of even greater importance was the fact that in all the colonies the Assembly, long before the break with England, had assumed the character of a forum for the discussion of public affairs, thereby providing an agency that served increasingly to stimulate and unify colonial political thought.

³⁰ The corporate colonies were Virginia, New York, and Delaware; the independent colonies were Massachusetts (regarding Plymouth as the beginning of that colony), Rhode Island, Connecticut, and North Carolina. The proprietaries were New Hampshire, Maryland, New Jersey, South Carolina, Pennsylvania, and Georgia.

³¹ The semiroyal colony was Massachusetts, the two corporate types were Rhode Island and Connecticut, and the three proprietaries were Maryland, Pennsylvania, and Delaware.

³² In the seven royal colonies both governor and council were appointed by the proprietor with the approval of the crown. In the two corporate colonies the governor was elected by the assembly and the council was elected by the voters. In Massachusetts, classified as a semiroyal colony, the governor was appointed by the crown and the council was elected by the voters.

³³ In the case of the two corporate colonies the governors, elected by and dependent upon the Assembly, did not play an important part in directing the affairs of their respective colonies.

THE INCUBATION OF CITIZENSHIP IN AMERICA

This general scheme of colonial government, that admitted an elective assembly with such important prerogatives and in a position to exercise such a determinative influence, particularly in view of the fact that under the scheme virtual self-government in purely local affairs was enjoyed in all the colonies, most certainly marks a great advance toward democratic control. Obviously its chief defect, viewed simply as a political framework, was that it failed to make due allowance for the strong individualism that had so gradually come to be the outstanding characteristic of American colonial life.

However, in spite of the fact that the colonists in general were prepared for a greater measure of self-government than the British scheme allowed, it is not at all likely that a complete break with England would have come when it did had it not been for the obtrusion of the economic factor. In the grip of a strong theory of economic self-sufficiency sponsored by the rising mercantile class it was natural at the time for English government officials to think of the American colonies as existing solely for the benefit of the home country, to supply the raw materials needed for manufacture and to serve as a market for manufactured products. The result of this mercantilist obsession was the passage by Parliament of a series of restrictive measures³⁴ that began as far back as 1651 and continued at intervals up to the Revolution, interfering so greatly with natural colonial economic developments and so deeply affecting colonial life that increasing resentment was inevitable. In the decade before the Revolution, as a result of the Grenville Acts, the Townshend Acts, and the Intolerable Acts, the tide of resentment rose so rapidly that only a few provocative incidents were needed to bring an outburst, and these were soon supplied. The Declaration of Independence on July 4, 1776, was the proof that the new American race in the making for more than one hundred and fifty years at long last had arrived.

Apparently, the authors of the Declaration were actuated by a two-fold purpose: to explain the theoretical and idealistic basis of the American social and political order, long in process, and to justify the revolutionary movement projecting the new order—to the reason of Americans in particular, but also to the reason of mankind. "We hold these truths to be self-evident," they declare: "That all men are created equal; that they are endowed by their Creator with certain

³⁴ Examples of the earlier restrictive acts were the Navigation Act of 1651, the Revised Navigation Acts of 1663 and 1670, the Manufacturing Acts of 1699, and the Molasses Act of 1733. The later and more aggravating acts include the Grenville Acts of 1764-65, the Townshend Acts of 1767, and the Intolerable Acts of 1774, sponsored by Lord North.—Eriksson and Rowe, *op. cit.*, pp. 89-107.

CITIZENSHIP AND THE NEW DAY

unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

In other words, this statement, or "declaration," affirms and interprets the citizen rights and prerogatives upon which our democratic system rests,

Each man who comes into the world comes into it Free, with a mind to think for himself, a will to act for himself. The subjection of one man to another except by his own free will is against Nature. All men are born equal, with an equal right to the pursuit of happiness. That each man may secure this right and preserve his liberty as a member of a community, he must have an equal share in its government, that government being created and maintained by the consent of the community.³⁵

Just how far these concepts, so clearly and tersely expressed in the Declaration, were clear to the mind of the average American of the period, and the extent to which he was consciously influenced by them, it is, of course, impossible to say. We know that various leaders, like Franklin, Jefferson, Madison, Mason, Henry, Wythe, and Taylor,³⁶ were familiar with and doubtless more or less influenced by the principles of liberal government expounded in Europe, far in advance of the American Revolution, by Locke, Montesquieu, and Rousseau;³⁷ but most certainly these principles did not play any important part in the thinking of Americans in general, except as they were filtered by the popular writings of the Englishman Thomas Paine, and through this medium reached the minds of large numbers of Americans when the Revolution had already taken definite shape.³⁸ In the words of Ernest Sutherland Bates, writing of the American state of mind at the outbreak of the Revolution, "One permanent characteristic of the American nation was by this time definitely apparent; an all but complete indifference to theory apart from its practical consequences."³⁹ In emerging from the theological twi-

³⁵ Bryce, *Modern Democracies*, I, 49.

³⁶ Benjamin Franklin of Pennsylvania, Thomas Jefferson, James Madison, George Mason, Patrick Henry of Virginia, George Wythe and John Taylor of South Carolina.

³⁷ John Locke, English philosopher (1632-1704); Charles de Secondat Montesquieu, French philosopher (1689-1755); Jean Jacques Rousseau, Geneva philosopher (1712-78).

³⁸ Paine's first pamphlet, *Common Sense*, calling for absolute independence without fear or apologies, was issued in the opening days of 1776; and 100,000 copies were sold while the issue was fresh from the press.

³⁹ *American Faith*, p. 247.

THE INCUBATION OF CITIZENSHIP IN AMERICA

light of the colonial period Americans were inclined to throw speculative theory on the scrap heap. They felt that theory could wait until they had greater need of it.

It is evident, therefore, that the doctrines put forth in the Declaration of Independence were in reality an effort to explain and to justify the movement to establish an American democratic order rather than to record the political theory which had actually operated to produce it. To say this is not at all to reflect upon the immortal Declaration, which has, without doubt, done more to commend democratic principles and institutions to subsequent generations of Americans and to mankind in general than any rationalization of the actual forces and influences which operated to produce the new American order could possibly have done.

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Chapter III

The Assumption of Natural Citizen Competence

Optimism about democracy is today under a cloud. We are familiar with denunciation and criticism which, however, often reveal their emotional source in their peevish and indiscriminating tone. . . . Political democracy as it exists today calls for adverse criticism in abundance. But this criticism is only an exhibition of querulousness and spleen or of a superiority complex, unless it takes cognizance of the conditions out of which popular government has issued. All intelligent political criticism is comparative. It deals not with "all-or-none" situations, but with practical alternatives; an absolutist indiscriminate attitude, whether in praise or blame, testifies to the heat of feeling rather than the light of thought.

—JOHN DEWEY

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1. EFFECTIVE CITIZENSHIP A BASIC PRESUPPOSITION OF THE AMERICAN SYSTEM
 2. THE DOCTRINE OF NATURAL CITIZEN COMPETENCE RELEASED BY THE FRENCH REVOLUTION
 3. THE INCORPORATION OF THE DOCTRINE IN AMERICAN POLITICS
 4. THE DEFECT OF THE DOCTRINE AND ITS FRUITS
 5. THE PROBLEM OF ELIMINATING THE CONCEPT OF NATURAL COMPETENCE
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THE PREAMBLE to the Federal Constitution is, and will remain—for Americans at least—so long as our system of government endures, the supreme and authoritative pronouncement of citizen prerogative. "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity, do ordain and establish this Constitution for the United States of America."

In view of this unqualified affirmation of citizen authority to control the destiny of the nation, and the interpretation of that authority in terms of "justice," "the general welfare," and the "blessings of liberty," there seems to be little point to the criticism, repeated from

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

generation to generation, that various members of the convention that framed the Constitution exhibited at times a decided preference for a monarchy as against a democratic form of government.¹ The really important and impressive fact that emerges from the records of this convention is that none of those who framed the Constitution really wanted authoritarian government in any form, that all were united in the belief that final political authority resides in the citizen body.²

1

It is clear, however, that the makers of the Constitution fully recognized the fact that a sound theory of citizenship implies both intellectual and moral competence, that people who are politically ignorant, foolish, and selfish are a menace to any form of government, and especially to a democratic form. Many of those who helped to frame the Constitution, like Washington, Franklin, Hamilton, and Madison, were keen observers of human nature; moreover, they possessed a wealth of experience accumulated during the war for independence and the critical years of popular reaction immediately following. With such a background they could not fail to recognize that the citizen body of the period included many elements ill prepared to assume the functions and to fulfill the obligations of citizenship. Therefore in discharging their task of providing an adequate form of government for the emerging republic, they conceived as one of their main problems the devising of a system based upon citizen prerogative, but planned in such a manner that in its functioning the nation would be protected against the temporary triumph of an ill-informed and undisciplined popular majority.

To meet this problem two expedients were adopted. One of these was the indirect election of the president and the members of the Senate with a view to providing a breakwater to safeguard two highly important agencies of government against any undesirable popular tide that might arise.³ The other expedient was the creation of a system of checks and balances, dividing the power of government

¹ See Fay and Claflin, *The American Experiment*, p. 47; and Munro, *The Government of the United States*, chap. iv.

² Though some members of the convention—Hamilton, Dickinson, and Gerry in particular—expressed a preference for monarchical government, they desired it in a form that was subject to the control of the people.

³ The original purpose of the provision requiring the election of the president by electors rather than by popular vote was virtually nullified by the rise of the party system, a fact that became apparent as early as the election of 1799. The plan of electing U.S. senators by the state legislatures endured until 1912, when the Seventeenth Amendment was adopted providing for the election of senators by popular vote.

CITIZENSHIP AND THE NEW DAY

among executive, legislative, and judicial branches in a manner that left the boundaries of each somewhat uncertain and confused. Though the purpose of these constitutional provisions, unmistakably, was to ensure stable and deliberative government as against inconsiderate and ill-advised popular pressure, their value and validity as features of effective democratic government were challenged from the outset. Viewed by some as products of high political intelligence, they were appraised by others as adroit expedients that in reality weakened instead of adding strength to our political framework.

It is evident, however, that the great care exercised by the makers of the Constitution to provide an instrument of government that would circumvent irresponsible popular action, irrespective of the merits of the protective measures adopted, testifies to their strong belief that mass action dictated by other than rational motives is not necessarily democratic action but, on the contrary, that it may be and generally is despotic in character. As conceived by Rousseau and later political thinkers, the real will of the people may lie much deeper and be something vastly different from the ephemeral will that finds expression in the hasty and ill-considered action of a temporary majority.⁴ Obviously the men who wrote the Constitution were influenced by some such concept and they endeavored to incorporate it into our fundamental law. Their purpose was not to thwart the democratic principle but to impose restrictions that would ensure its effective expression.

It is clear, therefore, that the development of effectual citizenship is the basic presupposition of our American system of government just as it is basic in any worthy democratic system. The interpretation of essential democracy as a blind worship of numbers without regard for fitness or unfitness is wholly fatuous.⁵ As Horace Mann long ago declared, the American theory of government is not that all men, however unfit, shall be voters but that every man, by the power of reason and the sense of duty, shall become fit to be a voter.⁶

2

On April 30, 1789, George Washington was inaugurated as the first president of the United States, and with that event the American

⁴ See *The Social Contract*, II, iii, viii, x; and Green, *Principles of Political Obligation*, pp. 80-92.

⁵ See Émile Faguet, *The Cult of Incompetence*, Introduction by Thomas Mackay, p. 11.

⁶ *Common School Education* (in *Life and Works*, II, 39-86).

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

Republic based on the new Federal Constitution definitely was begun. Almost simultaneously the first ominous explosion⁷ of a terrible political storm, the French Revolution and the wars that resulted, was heard. In due time this revolutionary movement, begun in France, was "leveling kings, princes, aristocracies, and clerical orders, remaking the map of the Old World, and shaking the foundations of all its social systems."⁸

In character the French Revolution was an extreme reaction against the violent political and religious intolerance of preceding centuries. One feature of this reaction was the development of a powerful belief that the replacement of despotic governments, institutions, and classes with democratic forms would bring immediate relief from the maladjustment and miseries inflicted by the old autocratic regimes, and that the reign of peace and tranquil prosperity would at once begin. This belief necessarily involved the assumption of natural citizen ability "to take over" and to reorganize social and political life on a basis of "liberty, equality, and fraternity." James Bryce characterized this assumption as a "doctrine of perfectionism,"⁹ and while it was not expressed in a body of theory, it was so definite and determinative that it was tantamount to a doctrine.

In brief the assumption was that the generality of mankind, at least in civilized countries, are qualified by nature to assume and to discharge the responsibilities of citizenship. That is to say, they naturally have sense enough to judge soundly of public affairs, discernment enough to choose the right men for public office, self-control enough to accept the decision of the majority in any political contest, honesty enough to exalt the public interest above their own private interests, and public spirit enough to endure hardships and to make any necessary sacrifice for the common good.¹⁰

From the outbreak of the French Revolution in 1789 well up into the nineteenth century many of the noblest democratic thinkers of Europe—as Lamartine and Victor Hugo of France, Mazzini of Italy, Kossuth of Hungary, Wordsworth of England¹¹—profoundly shared this assumption of natural citizen competence. Said Bryce:

⁷ The storming of the Bastille, July 14, 1789.

⁸ Beard, *The Rise of American Civilization*, I, 358-59.

⁹ Yale lectures *Hindrances to Good Citizenship*, p. 11. "These Perfectionists," he says, "based their ideal of Democracy on a view of human nature which had been held neither in the ancient world nor . . . by anybody in the Middle Ages."

¹⁰ See Bryce, *op. cit.*, p. 11.

¹¹ Alphonse Marie Louis Lamartine (1790-1869), Victor Hugo (1802-85), Giuseppe Mazzini (1805-72), Louis Kossuth (1802-94), William Wordsworth (1770-1850).

CITIZENSHIP AND THE NEW DAY

Even in the course of events when it became painfully evident that the bulk of the people at any given time in any given country might not and in fact did not possess these merits, the idealist was not dismayed. His faith in the vivifying force of freedom made him hope all things and believe all things.

The people [so the argument ran] may be more ignorant and apathetic than we foresaw. That is because they have not been heretofore trusted. Now that their destinies are being committed to their own hands, their capacity will grow. Opportunity will soon evoke intelligence. Power will bring responsibility and zeal. Trust the people and they will quickly justify your trust.¹²

Though the American democratic movement was far less sanguine of human nature than the European movement,¹³ and though our democratic experiment seemed well buttressed by a body of fundamental law that paid scant regard to the concept of natural citizen competence, it became evident as soon as the French Revolution was well begun that America could not escape the impact of "perfectionist" idealism. For the rank and file of Americans the news from France was like a shaft of sunlight piercing the dark clouds of restless discontent. In the war for independence the preponderant mass of disqualified people had fought not only for separation from Great Britain but for greater social, economic, and political equality, and these blessings in satisfactory measure simply had not been achieved. In consequence of disappointment, the response of the American masses to the ideals of the French revolutionists was immediate and profound.

Everywhere there were festivals, songs, speeches, and riotous parades. French ideas, French modes of speaking, and French fashions became the order of the day. Liberty poles were erected and liberty caps worn. Conversation centered around topics concerning "liberty, equality, and fraternity." . . . Clubs which, modeled after the revolutionary (Jacobin) clubs of Paris, sprang up from one end of the country to the other. Resolutions galore, embodying democratic and equalitarian sentiments and especially endorsing the work of the French radicals, . . . were passed.¹⁴

¹² James Bryce, *Hindrances to Good Citizenship* (New Haven: Yale University Press, 1910), pp. 11-12.

¹³ The democratic movement in America, as is shown by the study of the "Incubation and Emergence of Citizenship in America," was based on a far more extensive background of experience than was the case in France.

¹⁴ Carman and McKee, *History of the United States*, pp. 337-38.

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

A significant aspect of this uprising that soon appeared was the fact that the interest of the people was not confined to events in Europe. Passionate discussions of local politics began, and before long a purpose to deal with domestic affairs was openly avowed.

This popular movement soon had its leaders, among whom the outstanding figure was Thomas Jefferson.¹⁵ Even while he was secretary of state in Washington's Cabinet, Jefferson's activities in promulgating the new ideas of popular control began to give great offense, particularly to those who gathered about Washington and supported a strictly literal interpretation of the Constitution.¹⁶ Nevertheless, important elements of the population rallied to Jefferson's leadership. His unbounded confidence in the political qualifications of the common man could not fail to command the adherence of the rank and file. The result was the rise of a popular majority that, despite determined efforts to thwart its will,¹⁷ brought Jefferson to the Presidency in the election of 1799, and injected a concept of natural citizen competence into American democratic thinking that in due time greatly modified the political standards and practice of Washington's generation. Moreover, this new concept reinforced by the rough-and-ready democracy of the frontier, and recast in the mind of Andrew Jackson and subsequent leaders, has been responsible for momentous political developments, whether for better or for worse can be determined only in the light of their results.

3

The movement extending over more than a century and a quarter by which the franchise was broadened and the full responsibility of citizenship was placed upon every section of our population constitutes a significant phase of American history.¹⁸ A study of the successive events of this movement makes it clear that other influences besides a belief in natural competence contributed to it. One of the

¹⁵ Two other significant leaders were Benjamin Franklin Bache, the grandson of Benjamin Franklin, and Albert Gallatin. See Bernard Faÿ, *The Two Franklins*, chaps. iii, v; and Claude G. Bowers, *Jefferson and Hamilton*, pp. 292-94.

¹⁶ See Beard, *op. cit.*, I, 346-94.

¹⁷ See Bowers, *op. cit.*, chaps. xx-xxi.

¹⁸ The following qualifications for the exercise of the franchise are now operative: (1) citizenship, (2) adult age, (3) residence in the place of voting, (4) literacy tests, (5) tax payment, (6) registration. There are also certain more or less standard disqualifications which affect relatively few citizens.

CITIZENSHIP AND THE NEW DAY

most potent of these was a deep sense of injustice on the part of the generality of people which resulted from the actual limitation of the privileges of citizenship by considerations of class, economic status, religious creed, race, color, sex, and by a growing feeling that in a true democracy electoral protection on some equal basis is a right that belongs to every group. Nevertheless, the fact that in the long movement to rectify obvious injustice so little emphasis was placed on Horace Mann's contention¹⁹ that American political theory does not imply the right of all citizens regardless of fitness to vote, but the right and the opportunity of all to become fit, is evidence that an easygoing belief in natural competence did play an important if not a dominant part.

The first event, which projected the movement to extend the franchise, was the action of the states, beginning with Vermont in 1791, in adopting the plan of white manhood suffrage. Anxiety as to the possible results of putting the ballot in the hands of a scantily educated, politically inexperienced, and largely propertyless multitude who constituted the preponderance of the population²⁰ led the framers of the first state constitutions, in line with the precedents of restricted suffrage established during the colonial period, to place taxpaying or property qualifications upon the right to vote.²¹ In fact in a few instances the fear of "socially and politically unsafe classes" was so great that besides the voting restriction based on property all except those who possessed substantial property were excluded from public office; and Catholics, Jews, Unitarians, and religious scoffers were denied the right to occupy positions of public trust.

While the purpose of such restrictions, fundamentally, was to safeguard the new venture in self-government against incompetence, an ideal that might well have been conserved, the method employed was wholly unsound, and therefore bound to create resentments that could have no other effect than to obscure the real and laudable aim of a temporarily limited franchise. In any event a determined movement in behalf of white manhood suffrage, without respect to education, property, religious belief, experience, or fitness in any respect, soon appeared and grew so rapidly that by the end of Jackson's sec-

¹⁹ Stated on page 49.

²⁰ It is upon record that even Jefferson, fiery apostle of equality in the abstract, hesitated to commit himself to the doctrine of white manhood suffrage.—Beard, *op. cit.*, I, 542.

²¹ Because the Constitutional Convention of 1787 was unable to agree upon suffrage qualifications, this important matter was left to the states.—Constitution of the United States, Art. I, Sec. 2-1.

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

ond term as president, March 4, 1837, a period of less than fifty years following the adoption of the Constitution, the objective of the movement virtually had been achieved.²²

A second and even more drastic application of the belief in natural competence which began with the founding of the Republic and continued for more than a century was the granting of citizenship and the extension of the franchise to a vast throng of immigrants from many lands who poured increasingly into the country, on terms that afforded scant protection to sound principles of democratic government.²³

So large in number were these alien arrivals, so heterogeneous in character, so devoid of political experience and of any real understanding of the meaning of American citizenship and the responsibilities it entails, as to occasion wonder that the haphazard and wholesale conversion of them into citizens and voters did not disrupt our entire social and political structure as surely as the migratory invasion of alien hordes once upset the equilibrium of Europe.²⁴

It was fortunate for America that with the inpouring of this vast alien throng there came into operation, as a result of modern technological progress, various physical agencies which have served to eliminate distance, to promote extensive personal intercourse, to facilitate the rapid spread of information, to further educational processes, and thus to generate informed public opinion far beyond the limits of what otherwise would have been possible.

The third event in the historic process of writing the belief in natural competence into our fundamental law, and one that was in keeping with the others, was the adoption of the Fourteenth and Fifteenth Amendments to the Constitution at the close of the Civil War. Besides conferring citizenship, these amendments extended the franchise to include a great mass of illiterate, inexperienced, and both intellectually and morally incompetent freedmen, who still bore the stamp of their long slavery, and many of whom in their habits of

²² By this time all the states except three had accepted white manhood suffrage and these soon joined the procession. North Carolina waited until 1856.

²³ Until 1906 the laws regulating immigration and the naturalization of aliens were so general that much was left to chance or to the discretion of public officials. The result was great abuse. Party organizations and candidates were under constant temptation to procure the naturalization and enfranchisement of extensive groups of aliens, whose votes they could control without regard to standards of fitness.—Frederick A. Ogg and P. Orman Ray, *Introduction to Government of the U.S.*, p. 131.

²⁴ John Dewey, *The Public and Its Problems*, pp. 114-16. See also Munro, *The Government of the United States*, p. 116.

CITIZENSHIP AND THE NEW DAY

thought and feeling were not far removed from the primitive conditions of African tribal life.²⁵

No more daring application of "perfectionism," said Bryce, in a concrete case was ever made than by the men who carried through these amendments to the American Constitution.²⁶ The principle enunciated by these enactments—in effect, that the denial of American citizenship or any of its rights or privileges because of race or color is incompatible with the intent of the Constitution or with any proper concept of American democracy—is entirely sound and its insertion into the Constitution represents an important gain. It is open to question, however, whether the recognition of this principle carried with it the obligation to impose by a stroke of the pen the whole burden of citizenship upon several millions of people, very few of whom were in any way prepared to bear it, and whether, from the standpoint of our democratic experiment or from that of the freedmen themselves, this daring application of the concept of natural competence was either wise or fair.²⁷

Perhaps only a little less daring than the Fourteenth and Fifteenth Amendments was the unqualified extension of the suffrage to American women by the adoption of the Nineteenth Amendment. To characterize this enactment as "daring" is by no means to challenge the validity of "woman suffrage," because the limitation of the suffrage on the ground of sex is no less objectionable than to limit it on the ground of property possession, color, or race. What is challenged is the wisdom of a policy that assumes the natural competence of people, women as well as men, to discharge their obligations as citizens, to vote with due discrimination, to hold important office, and to fill positions of public trust. It can hardly be questioned that the general standard of American citizenship and particularly of electoral competence would now be much higher if due consideration had been given to the possibility of limiting the franchise with due regard to justice and fair play to every social group, but in a

²⁵ It is objected by some critics that the above statement is extreme on the ground that recent studies show that the freedmen have achieved "relatively a high level of citizenship." However, what the studies really show is that a small proportion of the freedmen, probably less than 20 per cent, have attained relatively a high level of citizen competence.

²⁶ *Op. cit.*, p. 13.

²⁷ It was in the spirit of the Declaration of Independence, says Hadley, that the franchise was given to the freedmen, but their first uses of it were so irresponsible and disappointing that after a few years their political power was abolished by a systematic nullification of the laws which gave them the franchise, and very significantly the people of the North have acquiesced in that nullification.—Arthur Twining Hadley, *Freedom and Responsibility*, pp. 39-43.

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

manner to place a premium upon adequate preparation and the achievement of fitness.

As it now stands we have definitely committed ourselves as a people to a political theory based on the assumption of natural citizen competence, and we have written that theory into our fundamental law. What, in this respect, has been done cannot easily be undone,²⁸ but the consequences of this decision now confront us, and the daily course of events makes it ever more clear that they present a challenge that is significant and serious, that cannot safely be ignored, and that properly to meet the challenge calls for the mustering of all our resources, both of intellect and of moral purpose.

4

The fundamental defect of the belief in natural competence is that it represents an extreme, and therefore is quite in line with what might reasonably be expected, that, coincident with its incorporation into our democratic system, important and impressive social and political gains should have been made. It is always necessary, as Aristotle showed, to take account of the fact that an extreme of social and political doctrine may not be wholly fatal and devoid of any good results.

A nose, he said, that varies slightly from the ideal line of beauty appropriate for noses, tending slightly toward becoming a hook or a snub, may still be of fair shape and not disagreeable for the eye; but if the excess be very great, all symmetry is lost, and the nose at last ceases to be a nose at all.²⁹

It would be equally extreme, and without factual support, to affirm that in consequence of our careless theory of citizenship the fair features of democracy in America have been destroyed. What the facts do seem to show is that vast citizen inertia and lack of timely action in carrying on the work of government have resulted, the fruits of which are great disproportions and even disfigurements in our economic, social, and political developments, but happily not so excessive that they cannot yet be repaired.

²⁸ In the building of a better world order, a task that the close of the war will impose, it is not unlikely that our rigid immigration laws will have to be relaxed. That would be an appropriate time for us to take more effective steps to improve our standards of citizenship and electoral competence.

²⁹ Cited by Emile Faguet in *The Cult of Incompetence*, p. 14, as a quotation from Aristotle. The figure may be Faguet's to illustrate Aristotle's concept of disproportion in political thinking.—*Politics*, III, xiii-xiv.

CITIZENSHIP AND THE NEW DAY

Thus, while the course of events has tended on the whole to produce a crowd rather than a citizenry, citizenship has functioned after a manner, free institutions have been maintained, legislation has been enacted more just and humane than despotism of any type has ever produced, and individualism, if in somewhat exaggerated and even grotesque forms, has been conserved. These are important and highly significant gains which bear convincing witness to the inherent worth and superiority of a democratic system, but they are not the products of our inadequate concept of citizenship. Obviously they have been achieved in spite of it and not because of it and, therefore, they are irrelevant to the essential point that is raised by this discussion. It is the losses that have accrued from ineffectual citizen functioning which are really significant in appraising the notion of citizenship that has been written into our social and political system.

Thus in the sphere of economic life, in view of our great material and cultural heritage, the fact that we have enjoyed a prosperity relatively greater than any other people does not answer the question as to whether we have made a really intelligent, equitable, and effectual use of that heritage. In the way of resources we would seem to have about everything needful for the building of a great democratic civilization. The combination of climate and soil, mineral deposits, great forests, navigable rivers and lakes, immense plains and luxuriant vegetation, is such as to give our country an unrivaled material foundation. In addition to material resources Americans have been supplied by nature with an exceptional inventive genius that has made it possible not only to lift an immense burden of toil and drudgery from the shoulders of people and to place it upon machines but also to produce an abundance of goods and services the like of which was never before witnessed. Likewise, to give direction to our energies we began our career as a nation with an unrivaled social ideal, to make all men free, and to open the doors of equal opportunity to all.⁸⁰

All this suggests that during the period that covers the life of our Republic a really effectual citizenry dedicated to the objectives stated in the Preamble to the Constitution would at least have solved our economic problem and have achieved just and equitable standards of well-being for all, but manifestly no such goal has been attained. On the other hand, American society still is the scene of great con-

⁸⁰ See Declaration of Independence; Preamble to Constitution; Bill of Rights.

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

flict, tension, and disappointed hopes.³¹ Many of the old evils familiar under despotic systems of government, which it was confidently believed would be shut out from America, have returned to plague us and many new evils have arrived. Even during the period, regarded as registering the high-water mark of American prosperity, which ended with the breaking of the stock market in 1929, it was estimated that two million workingmen were out of employment, and that sixty per cent of our population were living below the standard that health and comfort require. The wage of labor, of agriculture, of "white-collar employees," teachers, and other social workers was too meager to give them adequate purchasing power. The surplus capital that should have gone to these important groups in the form of a wage was concentrated in the hands of a few business magnates who sent it to other countries for the building of production agencies abroad. The inevitable result was to intensify and to give focus to the forces which so speedily swept the nation into the disasters of the great depression.³²

In the sphere of public health the failure properly to use our knowledge and resources is equally apparent. All responsible citizens know or should know that physical well-being is closely related to living conditions. Nevertheless, they have been content to allow large sections of our population to live in highly congested and unsanitary areas; in cramped, poorly lighted, and unventilated living quarters; in poorly planned towns and cities devoid of parks or playgrounds, without artistic touch or arrangement, characterized by unrelieved ugliness. In aggravation of this situation is the lack of organized medical service adequate to supply the need. Though the advance of medical science is vigorously prosecuted and in the aggregate medical facilities seem to be adequate, they are by no means properly distributed. In some sections there is a superabundance and in others there is a dearth. Some doctors are overbusy while at the same time thousands of others are only partially employed. Because of improper adjustments and the consequent failure to make the fullest use of our medical knowledge it is estimated that at least half a million preventable deaths occur every year.

In the sphere of civil justice, administration is so much at fault that our democratic ideal of equal justice for all appears to have

³¹ See Counts, "The New Democracy," *The Social Foundations of Education*, pp. 507-81.

³² Doubtless the basic conditions and forces which brought depression were the dislocations caused by the First World War and the failure of governments to understand these dislocations.

CITIZENSHIP AND THE NEW DAY

failed. Because of delays, court fees, excessive costs of adequate counsel many people are virtually denied access to the courts. Even if they are able to secure that access, in a contest with wealthy and powerful adversaries they are most likely to find themselves at a fatal disadvantage. It is true in particular that Negroes, political nonconformists, propagandists of new ideas, and advocates of social change, especially if they belong to the indigent classes and are without economic resources, soon discover that they have little chance of securing justice.²⁸

In the sphere of government and politics, even more than elsewhere, there are grounds for disappointment at the way our theory of citizenship is actually working out because the contradiction is so glaring between what a sound theory of citizenship requires and what our practice reveals. Weaknesses that reflect upon citizen competence appear in the functioning of government all the way from the top to the bottom, but they are, perhaps, most conspicuous in the bottom sphere of local government, just where the citizen comes most directly into contact with government and where presumably citizen influence should count for most. It is therefore highly significant as a revelation of ineffectual citizenship that the idea of local government, the right of people to manage local affairs, so evidently and so widely is prostituted to unworthy ends. Instead of an instrument in the hands of an intelligent citizenry to serve the common good, local government throughout the nation, admittedly and to an incredible extent, is the instrument of a local boss or clique who have made it a smoke screen to cover what is essentially a political racket, the filling of local offices with subservient and incompetent party followers, the awarding of local contracts to those who in some way will pay heavily to secure them, the imposition of unjust tax levies upon some and the exemption of others, and in many ways virtually to exact tribute from individuals and from whole sections of the community.

Our party politics, the necessary means of organizing opinion, of formulating and putting into operation the political policies most widely approved, likewise are victimized even to the point of contempt by ineffectual citizenship. In 1909 Bryce, speaking with reference to the corrupt use of money in party politics, declared that it is the greatest menace to popular government. It is, he said, "worse

²⁸ Counts, *op. cit.*, pp. 517-28. Part I, chaps. i-iii; Part II, chap. ix; and Part III, chap. ii of Mr. Counts' book present a complete and convincing picture of the contrast between our democratic ideals and achievements.

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

than ignorance, worse than apathy, worse than faction, worse than demagogism. This is because it is so multiform, so insidious, so hard to detect, so quick to spread."⁸⁴ Of the older and more familiar forms in which the money influence operates in politics little need be said. Direct bribery is one of these forms, and while it is now much more in odium than formerly, there is reason to believe that it still plays an important part in most elections, and in not a few a decisive part. Thus an able student of American political behavior, after a painstaking inquiry, estimates that in nearly all election districts throughout the country, especially city districts, where the two major parties are about equally divided the purchasable vote, in both national and state elections, is large enough to constitute the balance of power.⁸⁵

Somewhat less familiar in America, although the origin of the practice reaches far back into history, is the distribution of favors on an extensive scale by the party in power as a means of securing votes. These favors may take the form of large appropriations for public works such as harbors, piers, canals, roads, lakes, bridges, power plants, public buildings; or the form of loans at low interest rates to the owners of farm, town, and city property; or the form of cash benefits, without any labor return, to large sections of the population.⁸⁶ In fact, recent political practice, well substantiated, shows that federal administrators, political appointees, in high positions, have not hesitated to state publicly that in bestowing such favors the party in power expected support from the beneficiaries.

Thus in April 1935 a distinguished member of the House of Representatives, in introducing a bill to amend the Corrupt Practices Act, declared it to be a matter of common knowledge that laborers on federal works projects in large numbers were being compelled to obey the political commands of their superiors in order to retain their jobs and that people receiving rural rehabilitation loans were being required to sign an agreement tantamount in character to a pledge of political support. Two months later a distinguished senator called the attention of the Senate to a recent speech of a prominent federal administrator, also a political appointee, demanding that the

⁸⁴ Bryce, *Hindrances to Good Citizenship*, pp. 65-69.

⁸⁵ See F. R. Kent, *Political Behavior*, pp. 169-277.

⁸⁶ There is reliable witness to the fact that under the AAA setup appeals on the ground of co-operation with the government were made to the owners of land in arid sections to make application for cash payments for not growing wheat in soil not at all adapted to the growing of wheat, or indeed to agriculture in any form.

CITIZENSHIP AND THE NEW DAY

recipients of relief or other benefits from the government do their part "to keep their friends in power."⁸⁷

It is needless, perhaps, to pursue the matter further. Evidence abounds of failure in the workings of our social and political system that reflect upon the use that we have made of our democratic ideals and of political practices which, if allowed to continue, necessarily would sabotage those ideals. The fact that any such threat exists bespeaks incompetence, because a citizenry really competent in its citizenship would have foreseen the threat and provided counterpoise. Thus the fair features of American democracy—to revert to the figure employed by Aristotle—though not destroyed by our careless theory of citizenship have, to say the least, been sadly marred.

5

The high and more or less specialized competence in the citizen body that the proper functioning of a democratic system requires, particularly under the pressure of modern conditions and problems, is not now and never has been adequately visualized. Conversely, the fact that there is no such thing as natural citizen competence is not yet fully grasped in spite of the accumulating evidence. Influenced by the glowing hopes of early democratic idealists, an essential fallacy was written into our laws and made a part of our political practice. In the light of all democratic experience it would seem that the utmost that can be assumed in the case of any normal individual is a political capacity that can be developed. That is the necessary and the proper groundwork for the building of a democracy. Thomas Hill Green, the master democratic thinker of our modern period, sees the matter thus:

The apprehension of a community between our own well-being and that of our neighbors, the recognition of common rights and a common good, and all the basic elements that condition a free state and a competent citizenry—these are implicit in the generality of the people, but they must be elicited by education and experience. It is the fault of the state itself if ability is not developed for intelligent and worthy participation in the state. Indeed, it is a sign that the state is not a true state, that it is not properly fulfilling its important function.⁸⁸

⁸⁷ See *Business Week*, Apr. 30, 1938, report of a speech in Congress by Representative Bruce Barton, of New York; and *Topeka Daily Capital*, July 1, 1938, report of a speech in the Senate by Senator Walsh, of Massachusetts.

⁸⁸ This is a summary of Green's position as expressed in pages 128-41 of his *Principles of Political Obligation*.

THE ASSUMPTION OF NATURAL CITIZEN COMPETENCE

The problem that we face at this point is the major problem of American democracy today, because it means the revamping of our whole system of education and the gradual development in our whole population of a new intellectual equipment and outlook.

There are, in particular, two aspects of American education that need to be modified. One of these is the tendency to stress as the chief aim of education the development of the intellectual and aesthetic faculties by means of certain studies that traditionally have been thought to be best adapted to this aim. Because of this emphasis much of our so-called general education has been too limited in range and too remote from the actual conditions and problems of democratic association to have much value as a preparation for citizenship. Thus an able American who had filled many high positions of public trust, rising even to Cabinet rank, once said that not only had his Harvard training not fitted him for competent citizenship but that it had left him slightly contemptuous of the American system, "an attitude," he declared, that it had required years for him "to overcome."⁸⁹

The other phase is the tendency to assume that the chief purpose of education is to equip individuals to compete successfully with their fellows, and thus be able to raise themselves into the ranks of a privileged class. Education, in other words, commonly is viewed as a kind of ladder by which to escape from manual toil and to reach a preferred occupational and social status. To a very great extent, indeed, our whole system of education is actually shaped to this end.

It is because of these and similar trends which link our education to a system that is not entirely democratic that it must be subject to drastic change in order that it may adequately serve the needs of a modern democratic society. T. H. Green obviously posits the problem that must be solved when he affirms that "all the basic elements that condition a free state and a competent citizenry are implicit, and that they must be elicited." That is the supreme challenge of the democratic state today. Our education must rise to meet that challenge if democracy is to survive, and in order to do so there are at least two imperatives. For one thing, education for citizenship must be regarded as the central feature of our educational system and not

⁸⁹ The statement was not made in public, but privately to the writer, and therefore the name is withheld. It was meant as a criticism of the training provided in general by the liberal arts colleges of his generation.

CITIZENSHIP AND THE NEW DAY

merely as a side issue.⁴⁰ And for another thing, education for citizenship must reach far beyond the schools and become a matter of real concern to our citizenry at large. Fuller discussion of education for citizenship must be reserved for later chapters.

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⁴⁰ To obviate misconception it should be observed that neither at this point nor throughout the discussion that follows is the word "education" used merely in the sense of enlightenment.

Chapter IV

A Citizenry Versus a Crowd

In the bosom of a strongly organized nation, there are necessarily produced reciprocal actions between the individuals which issue in a general manner of feeling, thinking and willing different from that of the individuals existing in isolation. The national character is not simply the average type. It implies that particular combination of mental forces of which the national life is the external manifestation. It is capable of exerting a sort of pressure and a constraint upon the individuals themselves. It is not only an effect, but is also in turn a cause. It is not only fashioned by individuals, it fashions them in turn. —FOUILLÉE

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1. THE CROWD APPEAL AND ITS WEAKNESS
 2. SUBSTITUTING A CITIZENRY FOR A CROWD
 3. THE PROBLEM OF DEVELOPING A CITIZENRY
 4. THE PROCESS OF INTEGRATION
 5. UNITY BY INTEGRATION VERSUS UNITY BY ACQUIESCENCE
 6. INTEGRATION AND THE COLLECTIVE PROCESS
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It OFTEN has been remarked that ours is an age of crowds. No matter what the issue to be decided, reliance is placed upon emotional appeal rather than upon argument. Wherever men unite in behalf of any cause they begin by searching for a slogan or a catch word that will appeal to the crowd. Thus a group of people, headed by a distinguished churchman, met a few years ago in a midwestern city to consider the founding of a college, and almost their first step, before a single building had been erected, or an endowment provided, or a faculty organized, or a student body assembled, was to invent a college yell.

In the vivid language of a noted psychologist:

Whether it is temperance, or justice, or greater freedom, moral excellence or national glory, that we desire—whether we happen to be conservatives or radicals, reformers or liberals, we must become a cult, write our philosophy of life in flaming headlines, and sell our cause in the market. No matter if we meanwhile surrender every value for which we stand, we must strive to cajole the majority into imagining itself on our

CITIZENSHIP AND THE NEW DAY

side. For only with the majority with us, whoever we are, can we live. It is numbers, not values, that count—quantity not quality. Everybody must "moral-crusade," "agitate," "press-agent," play politics. Everyone is forced to speak as the crowd. . . . You must be "one hundred per cent" crowd man.¹

1

What is crowd appeal, and wherein does its weakness lie? Discrimination at this point is necessary for a clear understanding of citizen functioning. Social psychologists define the crowd as an undifferentiated mass in the sense that individuality is submerged, and concurrence of emotion or of an idea is established by suggestion, and not by the exacting but creative process of collective thinking.² The crowd, however, is not to be confused with the mob or with the herd. The maddened lynching party or the fear-crazed throng in a burning theater are likewise actuated by concurrence of emotion or idea but with a degree of intensity that differentiates the mob from the crowd. The fact should not be lost sight of that people in mass may be brave as well as brutal, and moved to serve as well as to destroy. Nor is the crowd to be confused with the herd. The statement of a popular writer that "human life is lived to the full only in and through the herd" ³ would reduce social cohesion to the level of instinctive gregariousness.

The crowd, nevertheless, is mass life, unintegrated, seething, tumultuous, without compass or guide or will or plan. Suggestion is the law of the crowd, and therefore by the skillful use of suggestion concurrence or compliance without reasoning, without effort of mind or will, is readily secured. Thus in the sphere of religious effort it is crowd appeal based on suggestion rather than educational processes that most attracts. The power of crowd appeal by skilled evangelists to throng the churches, while reliance upon educational methods brings the problem of vacant pews, is one that has been recog-

¹ Everett Dean Martin, *The Behavior of Crowds* (New York: W. W. Norton & Co., Inc., 1920), pp. 6-7. See also the introduction to Martin's *The Meaning of a Liberal Education*.

² G. Le Bon and William McDougall often speak as though a crowd mind were actually some sort of superior mind of which individual minds are parts. That view is now regarded as fallacious. The crowd mind can only mean that under the spell of an emotional situation a typical crowd tends to accept irrational ideas as though they were rational.—S. H. Britt, *Social Psychology of Modern Life*, p. 237.

³ Jane Harrison in a popular novel of the twenties entitled *Alpha and Omega*.

A CITIZENRY VERSUS A CROWD

nized and has evoked comment over many years.⁴ It is definitely on the side of gain that we are now beginning to realize that it is suggestion, emotional appeal, and all the facts belonging to and expressing the psychology of the crowd that explain the secret of traditional evangelistic success from Jonathan Edwards to the present time.

In the sphere of ordinary industry and commercial life no less than in the sphere of religious enterprise, the prevalence and the potency of the crowd spirit are in evidence. It is only necessary to note the influence of the skillful labor agitators,⁵ the effectiveness of suggestion in advertising, the varied and "catchy" devices of commercial salesmen, the general character of chamber of commerce oratory, to realize how extensively crowd appeal comes into play. Some years back a small-town Pennsylvania boy in his early teens, with a knack of salesmanship, became an agent for a patent medicine concern. The medicine, called "Wakometkle," was a harmless concoction, but very bitter and nauseating to the taste and, therefore, to the simple-minded suggesting great healing power. In the parlance of the community, it was "a medicine that *was* a medicine." To add to this effect the container had a label that bore the picture of an Indian medicine man, in all his paint and picturesque finery, who was supposedly the discoverer of the remedy. Coincident with an advertising campaign by the company the boy made a house-to-house canvass and left a small sample bottle of the medicine and some printed matter that extolled its wonderful curative value. A few days later another round of visits was made and with astounding results, because nearly 50 per cent of the people made purchases. Surprisingly enough, the fame of the medicine spread, and gradually people from the community and far beyond, professing all sorts of maladies, came for it. Even more surprisingly, purchasers testified that they had been cured of various diseases ranging all the way from whooping cough to tuberculosis. There had been no diagnoses, but numerous purchasers believed that they had been cured and gave testimony that was recorded and circulated, with reactions that further stimulated sales.⁶

⁴ See Jonathan Edwards, *Thoughts on Revivals*, pp. 14 ff, for illustrations of crowd phenomena which accompanied the "Great Awakening" of the period from 1740 to 1815. Similarly, see the *Autobiography of Peter Cartwright* for a vivid description of the Scotch-Irish revival of 1800 in Kentucky.

⁵ The designation "labor agitators" differentiates a certain type of labor leadership from the leadership that exhibits a higher average of intelligence and a higher level of motivation.

⁶ This incident is presented on the basis of firsthand information. All the particulars were verified. In this and similar cases there was no collection of a large mass of people

CITIZENSHIP AND THE NEW DAY

American history teems with similar and even more remarkable episodes. The great American crowd under the impact of suggestion yearly spends millions of dollars for nostrums and products of many kinds that have no relation to actual need or well-being, though it may well be that in their ingredients these products are harmless. For the same reason, great sections of our population become the victims of an incredible number of presumed prophylactics, crazy reforms, fantastic religious beliefs and innovations, unbalanced partisanship, social panaceas, economic absurdities. In spite of our educational facilities, libraries, public schools and colleges, and after centuries of scientific effort people to an amazing extent are victimized by imposture and absurdity because of their exposure to suggestion and to crowd appeal.

There is, therefore, little reason for wonder that in the sphere of politics crowd spirit and appeal are dominant and determinative. Astute political leaders are well aware of this fact. They know that far more is to be gained by the use of high-sounding platitudes and catch words than by argument based upon a didactic presentation of facts and principles.⁷ Whether it be the absurd spectacle of a stam-peded political convention or the more subtle attempts to control the votes of subservient party followers, the methods employed are similar and are chosen with a view to effective crowd appeal. An able and widely trusted observer, in an effort to picture the characteristic procedure of political party gatherings and to show the skill of party managers in creating an atmosphere conducive to the ready acceptance of candidates previously selected, and party policies and slogans preconceived by the politicians in command, thus describes the effect of one of our national party conventions upon an English correspondent, the representative of a great English newspaper: For an hour and a half this correspondent, goggle eyed, mouth open and tongue protruding, as one in a daze, viewed the procession of delegates marching, with waving flags and the display of many curious banners, about the great auditorium, and listened to the blare of bands, the honky-tonk notes that issued from the great organ, the

in physical contact. However, the case cited shows that under certain conditions the picture formed in the minds of many people with the help of descriptive reporting and advertising produces to a considerable degree the same effects of uncritical thinking as would be produced by physical contact.—Graham Wallas, *The Great Society*, pp. 186-87; Britt, *op. cit.*, pp. 247-59.

⁷ The following are striking examples of political catchwords or slogans, that produce crowd response: "a full dinner pail," "two chickens in every pot," "the square deal," "the forgotten man," "the new deal."

A CITIZENRY VERSUS A CROWD

shouts of men and the screams of women which greeted the amazing streams of "bunk" and "ballyhoo" that flowed from the lips of orator after orator as the favorite sons of various states were placed in nomination. Then all at once, as if suddenly awakened from an incredible dream, the English correspondent exclaimed, "My God!" and, seizing his hat, rushed from the convention.⁸

So widespread, indeed, has become the practice of imposing the will of party managers upon the mass of party followers by the skillful use of crowd psychology that ability so to handle people in mass is recognized as one of the first requisites of political leadership. In view of such practices so widely prevalent and so generally accepted, J. F. Steiner says, "Politics, as the science of government—the noblest of the sciences"—seems sadly far-fetched, and the politician as a political leader of men, a hopeless misfit."⁹

2

As the problems of democratic society become more complex and acute, the heavy demands on intelligence that these problems make, and the part that both individual and collective thinking must play in their solution become more evident, thoughtful citizens, at least, are beginning to realize that, if the promise of American life is to be fulfilled, crowd appeal and crowd methods must come to an end. The unsuspected stagnations of democratic social and political organization that the Second World War brought to light were largely the result of failure to understand and to give effect to the democratic process. In determining the course of American social and political life there has been too little understanding of the meaning and importance of a citizenry, and too great faith in the potency of the crowd. A basic need, therefore, in our political processes is to substitute the concept of the people as a citizenry for the concept of the people as a crowd.

Human association, as social philosophers point out, represents different principles and different levels. On the lower level it is instinctive. People combine in certain forms of behavior "as directly and unconsciously as do atoms, stellar masses, and cells, as directly and unknowingly as the masses and cells divide and repel. They do so in virtue of their own structure . . . from external circumstances, pressure from without, as atoms combine or separate in

⁸ An article in the *Saturday Evening Post* following one of the national political conventions of 1932.

⁹ *Community Organization*, p. 348.

CITIZENSHIP AND THE NEW DAY

presence of an electric charge, or as sheep huddle together from the cold." ¹⁰ However, such collective action does not constitute a society, a state, or a citizenry. These begin only when association becomes knowing instead of unknowing, when the need and consequences of combination are perceived and become an object of desire and rational effort; and when collective action in the common interest and for the common good occurs. Interactions and transactions occur automatically, but conscious sharing in group life and activities requires a higher level of association. With conscious association, mutual deliberation, and planning for the common good, the democratic state and citizenship have begun. When such association has reached the stage at which its individual units understand and are actuated by common ideals, and are able to create common ideas and purposes, and are habituated in methods to give effect to those ideas and purposes, a citizenry has arrived. While it is not possible to draw a sharp dividing line between a citizenry and a crowd because each merges into the other, in general it may be said that mutually conscious, considered, and creative action is the chief characteristic of a citizenry, and emotional response the chief characteristic of a crowd.

3

The conversion of the crowd into a citizenry is the big problem of every modern democratic nation, and of polyglot America even more than of the other democracies. If the democratic ideal of America in any proper sense is to be achieved, this problem must be faced with frankness, with an understanding, and with a determination incomparably greater than hitherto has been displayed. The uniformity for which we have striven, and to such an amazing degree have achieved, will not suffice. Capacity for collective deliberation, planning, and willing to an extent that only a few Americans have visioned must be developed.

The theory of natural citizen competence assumes that the capacity of the crowd for constructive democratic achievement is boundless and that it functions automatically. For more than a century and a half that assumption has permeated and given color to our democratic experiment. Disillusionment and reaction, however, are now beginning to appear, and as usually happens, it tends to exaggeration and extremes. The faith that the democratic capacity of the crowd is

¹⁰ John Dewey, *The Public and Its Problems*, p. 151.

A CITIZENRY VERSUS A CROWD

boundless is supplanted by doubts or denial that the crowd has any capacity for positive and constructive democratic thought and action. Thus Walter Lippmann in *The Phantom Public*, which appeared a dozen or more years ago, expressed serious misgivings as to the validity of traditional democratic theory that has identified the functioning of government with the will of the people, and raised the question as to whether the intricate business of framing laws and administering them through several hundred thousand officials could be in any sense an act of the voters or a translation of their will.¹¹

The great trouble, as Lippmann sees it, is that in most of the problems and crises that beset a democratic nation the people at large do not know, and presumably they cannot know, what specifically is the truth or the justice of the case, and they lack adequate standards to form a competent judgment. The people at large are aroused at evil only when it is made manifest by the interruption of some habitual process of life, and this aroused interest hardly ever goes far enough to ensure the establishment of justice and right in the particular situation that called it forth. It immediately subsides when a workable adjustment in the situation has been secured. Thus, "if justice, truth, goodness, and beauty depended upon the spasmodic and crude interventions of the popular interest there would be little hope for them anywhere in the world."¹²

This doubt, however, of essential democratic capacity expressed in *The Phantom Public* is somewhat mitigated by the recognition that "public interest, nevertheless, does play an important part in government, since it constitutes a reserve force that in times of crisis can be brought into play." But it is a reserve force. "Though it is itself an irrational force, under favorable institutions, sound leadership and decent training the power of public opinion might be placed at the disposal of those who stood for workable laws as against brute assertion." It "does not make the law, but by canceling lawless power it may establish the condition under which law can be made. It does not reason, investigate, invent, persuade, bargain or settle. But, by holding the aggressive party in check, it may liberate intelligence."¹³

In appraising this theory of the function of the public in relation to government, it may readily be admitted, that the role assigned

¹¹ p. 71.

¹² This doubt of the political capacity of the crowd in its more extreme form is expressed in the statement, April 10, 1933, of a noted religious leader that modern society has proved that for the old axiom *Vox populi, vox Dei* we should substitute the axiom "The voice of the masses is the voice of asses."

¹³ Lippmann, *op cit.*, pp. 67-70.

CITIZENSHIP AND THE NEW DAY

to the people is important and not to be minimized, but in fact is not the theory merely a reversion to an outgrown political concept that belongs to the morning twilight period of modern democracy, rather than a proper interpretation of the true role of a citizenry as conceived by constructive democratic thinking today? Thus both Hobbes and Locke,¹⁴ who could see little to commend in the concept of democracy, and who argued stoutly and convincingly to the people of their time for monarchy, nevertheless admitted that monarchy or any form of government to be effective and enduring must be supported by the popular will. Hobbes declared that sovereignty in any true sense must be in a will that represents or stands for the will of the community. "This is more," he says, "than the consent or concord of the community, it is a real unity of the community in one and the same person." In other words the will of a determinative person or group substituted for the will of the community or the people at large. Locke, who had a large political experience, went even further than Hobbes in assigning a more positive role in government to the will of the people. He took the position that actual government is a trust and that the ultimate supreme power always resides in the community as a whole. While he does not vision the particular means by which the will of the community is to become operative in government, he nevertheless makes it clear that government as a trust is conditional and therefore severable. Since the ultimate supreme power resides in the people, the trust may be withdrawn.¹⁵

Viewed in the light of this older political theory it is evident that to limit the role of the people in the work of government to that of bystanders acting primarily as a reserve force to be utilized only in crises is a look backward rather than forward. It is in fact virtually a repudiation of the democratic ideal as conceived, and embodied in the Preamble of the Federal Constitution, and a paving of the way for a return to government by authority.¹⁶

The essential weakness of the whole modern reaction against the democratic ideal results from the careless identification of democracy with the crowd, and democratic action with crowd response and not with the collective judgment and will of a citizenry. Because in the course of events it has been shown that the political competence of

¹⁴ Hobbes' period was 1588-1679; Locke's 1632-1704.

¹⁵ See Thomas Hobbes, *Leviathan*, II, xvii; and John Locke, *Civil Government*, chap. xi, par. 134.

¹⁶ It is meant only that the logic of *The Phantom Public* points to authoritarianism.

A CITIZENRY VERSUS A CROWD

the crowd is limited and that crowd response is untrustworthy, the conclusion is drawn that intelligent and effective government based on popular control is impossible, that the utmost that can be expected of the popular will is "to cancel lawless power and to establish the condition under which laws can be made, that effective government always has been and must remain the prerogative of a 'select few.' " Under this concept the great mass of people in every democratic nation are subjects¹⁷ instead of citizens, and such they must remain. Like the people of the Roman Empire, they are in position to give strength to their government by acquiescence to its mandates, but their active interest in the service of their government cannot mount to patriotism in the better sense.

4

The conversion of the American crowd into a citizenry means at bottom the development of intellectual and moral unity. In other words, the power of intercommunicating and sharing ideas and experiences and giving them rebirth in terms of an enriched and invigorated community life. Some have suggested the word "corporate-ness" ¹⁸ as most descriptive of the unity that must be achieved, and others have suggested "collectivization," ¹⁹ but both these terms have connotations that point to the exact opposite of the inner unity that democratic society in reality implies. The word that best describes this inner unity, both because it is free from incongruous suggestion and because it takes account of every phase of democratic thinking and aspiration, evaluates, and orients them is "integration." ²⁰

In the external life and arrangements of Americans, the process of unification has proceeded rapidly and with results that are astonishing to thoughtful foreign observers. Though much of this outward unity is mere similarity and regimentation that means stereotyped and lifeless form rather than integration, nevertheless it is evident that on the whole American external life exhibits creative thought, co-operative effort, new and better adaptations to the common need of convenience, and a sense of beauty, justice, and right—with the

¹⁷ In a noted lecture, "Will and Not Force the Basis of the State," T. H. Green arrives at the conclusion that one of the chief causes of the final collapse of Rome was the failure of the Roman people to rise above the level of subjects and to achieve an integrated citizenship.—*Principles of Political Obligation*, p. 180.

¹⁸ See John Dewey, "The United States, Incorporated," *Individualism Old and New*, chap. iii.

¹⁹ See M. P. Follett, *The New State*, chaps. ii-iii.

²⁰ See Fay, *The American Experiment*, pp. 132 ff.

CITIZENSHIP AND THE NEW DAY

result that our entire external environment is being remade, to an extent that is not realized, on lines that mean the common good.²¹

This external integration, as John Dewey suggests, is but "the outward sign of an inner movement toward integration on a scale never known before." It involves danger, he affirms, to some precious values, a threat of danger to some things we should not readily lose, but in spite of much cant that is talked about service and social responsibility, it marks the beginning of a new era of integrated social life.²²

There are two characteristic traits of the American spirit, noted by Santayana a score of years ago, which enter into the movement for inner integration and are helping to give it shape and character. One of these is an unusual ability of Americans in general to make important and permanent concessions to other peoples' instincts and habits of life.

There are nations and peoples almost devoid of plasticity, and therefore the capacity for unity in any true sense of the word. They are made up of group, racial and class elements that are quite inflexible. Each insists upon being wholly different and absolutely free to live according to their own ideals without any regard for the life that is dear, or at least customary to the others.²³

So the French Revolution and the Russian one of today²⁴ have aimed at establishing society once for all on some eternally just principle, and at abolishing all traditions, interests, faiths, and even words that did not belong to their system. Liberty, for all these pensive or rabid apostles of liberty, meant liberty for themselves to be just so, and to remain just so for ever, together with the most vehement defiance of anybody who might ask them, for the sake of harmony, to be a little different. They summoned every man to become free in exactly their own fashion, or have his head cut off.²⁵

From such inflexibility American life on the whole is wonderfully free. While throngs of people have come from the four corners of the globe, and belong to all races in the world, they are all filled with cheery confidence in their ability, when a difficult matter has to be settled and

²¹ Address, "Selling Through Design," by Raymond Lowey before the Royal Society of Arts, London, Dec. 3, 1941.

²² *Op cit.*, p. 48.

²³ A paraphrase of George Santayana, *Character and Opinion in the United States* (New York: Charles Scribner's Sons, 1934), p. 217.

²⁴ The reference is in particular to the first decade of the Russian Revolution following the First World War.

²⁵ Santayana, *op. cit.*, p. 218 (paraphrased).

A CITIZENRY VERSUS A CROWD

is clearly put before them, to decide it for the time being and to move on to something else. And it is always tacitly assumed that when the disputed question is put to a vote the minority will loyally acquiesce in the decision of the majority, and build hence forth upon it.²⁶

The other characteristic trait of the American spirit contributing to the process of integration is the disposition, everywhere in evidence, to co-operate freely. The general instinct of Americans, says Santayana, is to run and help, to assume direction, to pull through somehow by mutual adaptation, and by seizing on the readiest practical measures, and working compromises. Each man joins in and gives a helping hand, without a preconceived plan or prior motive. Every political body, every public meeting, every club or college or athletic team is full of it. Out of it comes spontaneous manifestation wherever there is an accident in the street, or a division in the church, or a flood or fire disaster, or a great unexpected emergency of any kind. People meet in a genuine spirit of consultation when occasion demands it. They are all ready to persuade, or equally ready to be persuaded.

The value of these characteristic American traits for intellectual and moral unity cannot be overestimated. Nothing of importance in the way of unification can be accomplished without them. A citizenry without plasticity and ability to make concessions and without the spirit of free co-operation is unthinkable, but obviously it postulates an intellectual and moral unity that lies deeper than mere compromise or the spirit of free and ready co-operation. There must be the integration of difference and the creation of a democratic program that comprehends and includes difference instead of mere tolerance of difference. Compromise, the spirit of live and let live, as in the case of the numerous and competing religious sects, have produced scattered, unrelated, and more or less ineffective efforts in abundance, but only the integration of difference can produce the united and co-ordinated effort that modern democratic society needs.

5

Two concrete illustrations, attested by history and experience, show the reality and the creativeness of the process of integration. One of these, suggested by Aldous Huxley,²⁷ is the ordinary practice

²⁶ *Ibid.*, pp. 196-97. In religious matters Americans, perhaps, have not succeeded so well in minority acquiescence, and the result is our extensive sectarianism. However, the movement toward integration in the spheres of religious organization is now definitely taking shape.

²⁷ *Ends and Means*, pp. 152-56.

CITIZENSHIP AND THE NEW DAY

of a Society of Quakers in contrast to the practice of a Society of Jesuits and a Society of Benedictines. In the case of the Jesuits unity of action is secured by the command of the superior, and the complete acquiescence, to the point of sacrificing the intellect, by the inferiors. "Theirs not to reason why; theirs but to do and die." Benedictines, on the other hand, are given opportunity to express themselves before any important action is taken, and the superior is duty bound to consult the whole community over which he rules, and likewise to consult other officials of the order. Nevertheless, the final decision is made by the superior. The members of the community may express their views but they have no vote, and there is no appeal against the ruling of the superior. In a society of Quakers, however, there is no superior, and there are no inferiors. All are equal, and when an important decision is to be made all meet on a common level and discuss as equals the matter to be decided. All points of view are taken into account and compared, until there emerges what in Quaker parlance is called "a sense of the meeting," which is an integrated view, a completely democratic decision to which all have contributed, and which therefore represents all.

Another illustration is the typical American committee, and therefore it comes within the range of common experience. The evident purpose of a committee is to compare views in regard to the matter to be decided, and by so doing to develop a group idea or view superior to the view of any member of the committee. When a committee functions properly its members attend the meeting each not with the notion of making his idea dominant but to pool his idea with those of the other members, and out of this pool to create a common idea, an integrated idea, a democratic idea.

Political parties in their operation should contribute powerfully to the integration of social and political thinking and therefore to the creation of real democratic values, but to a considerable extent they fail to do so because of crude and untenable methods based upon emotionalism and crowd appeal. Also, because the men who control the undercover political machine in general have no more interest in fundamental democratic procedure than has a Jesuit superior, a Benedictine abbot, or a modern dictator.

The daily press and the radio are similarly handicapped. They represent great democratic potentialities, but as yet not effectually utilized.²⁸ Instead of proving itself a guarantee of democracy, there

²⁸ The potentialities of the radio in behalf of social integration, if it could be wisely exploited, are beyond calculation. It might do more within the next decade than has

A CITIZENRY VERSUS A CROWD

is much evidence to support the view that the daily press, or at least an important section of it, has contributed to the subversion of essential democratic thinking and has done so deliberately in order to hold a body of readers who could be influenced politically. Moreover, both the daily press and the radio as agencies to promote democratic integration suffers a particular handicap in that they are largely class-owned agencies and count only as such, however sincere may be the desire to have them count otherwise.²⁹

6

The essence of the process of integration is not compromise, as is so often assumed. It is the creation of a collective or a democratic view. Unity is established not by sacrificing difference but by relating it, and giving it a proportionate place in a larger whole. That, apparently, was the meaning of Prime Minister Lloyd George, when attempting to explain the slowness of the democratic process in contrast to that of authoritarianism he defined democracy as "government by talk."

From the process of integrating thought emerges the integrated will, which is the essence and substance of democracy. To learn how to evolve that will is the supreme problem of America and of every other democratic state. Beginning with Rousseau, various political theorists have assumed the existence of a common will of the people which operates more or less automatically. Thus Rousseau describes the common will as the principle operating among and underneath a great variety of confusing and disguising factors.³⁰ It is, as might be said, the will of the whole society, or the wills of all individuals, in so far as they aim at the common good. This will is expressed in law in so far as law is what it ought to be, and it is the source of sovereignty when truly itself and when it acts for the common good. In its essential idea this common will, according to Rousseau, is the key to the whole problem of self-government and freedom under law. It represents the identity between the individual will and the will of all those who are associated in the body politic, so that the individual in submitting even to forcible constraint is in a certain sense obeying only himself.

been done in a century. The Town Meeting of the Air suggests a use of the radio from which democracy stands to gain immeasurably. The Nazi use of it suggests the opposite.

²⁹ See Lerner, *It Is Later Than You Think*, sec. on "The Barons of Opinion," pp. 127-34.

³⁰ See *The Social Contract*, II, i-ii.

CITIZENSHIP AND THE NEW DAY

To many it has seemed that this concept of a common will is wholly illusory, that it has no actual existence, but a study of the collective process makes it clear that the concept of Rousseau has, after all, a substantial basis. What apparently was not recognized by Rousseau, or by any of his followers, was that the common will is the integrated will, that it does not function automatically or even exist independently and prior to the collective action that creates it.

To what extent the process of integration can be made effectual, and thus a true citizenry be achieved in a great modern nation like America, with its large and heterogeneous population, scattered over a vast territory and representing so many diverse sectional and group interests, is something that still remains to be demonstrated. The problem that here presents itself is one that has haunted political theory ever since the days of Aristotle, who in his discussion of democracy assumed a small and simple community.⁸¹ Rousseau, also, appears to have visioned the democratic state as a limited and more or less homogeneous community like the Greek city-state. America at the outset, with a population that was less than four million people scattered over a far-flung territory and necessarily based upon a representative system, was aptly characterized an "experiment." After more than a century and a half of history, in consequence of great extension of territory, amazing increase in population, the development of new conditions, and vastly complex problems never conceived by the founders of our system, America still is an experiment. Perhaps the occasion for wonder is not that we have failed to achieve our democratic ideal, but that we still cherish it and believe in it so firmly that millions of our citizens, perhaps the major portion of them, when an actual threat is presented, are willing to risk their all to conserve it.

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⁸¹ See *Politics*, VI.

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Chapter V

The Voting Process and Its Problems

At best, determination by the majority is only a device. Unanimity is necessary, at least as an underlying assumption, to a full measure of organized action. Democracy is possible as a system of government only where the members of a community are willing to put their mutuality above their differences in certain matters, not merely in time of crisis, but habitually and according to organized procedure. Moreover such appeal to the oneness of the many, to a working unity that triumphs over discord, is had only by persuasion, by winning from the many their free consent.

—SWABEY

The creation of the world, said Plato, gives the victory of persuasion over force. . . . Man can persuade and be persuaded. . . . Civilization is the maintenance of social order by its own inherent persuasiveness.

—WHITEHEAD

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1. THE VOTING PROCESS AND ITS CHALLENGE
 2. VOTING AS A RIGHT AND A FUNCTION
 3. THE PROBLEM OF NONVOTING
 4. THE PROBLEM OF BLIND VOTING
 5. ALLEVIATING MEASURES
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THE VOTING process is the means by which political action is implemented. Since the assumption of the democratic state is that sovereign power resides in the whole people functioning as a citizenry, it becomes necessary in determining governmental forms and policies, in elaborating and setting up the machinery of government, and in shaping the whole conduct of government to provide a suitable and satisfactory way to ascertain the people's will.

When the area of the state is restricted to a small district and population is limited to a few thousand people this problem is comparatively simple. Under these conditions a primary body like the assembly of the Greek city-states, the New England town meeting, or a Swiss Landsgemeinde represents an entirely practicable method. The problem, necessarily, is vastly different in a great modern state occupying a far-flung territory, comprising millions of citizens, and representing numerous, diverse, and conflicting interests. The answer of modern democratic peoples to the problem of mediating

THE VOTING PROCESS AND ITS PROBLEMS

the will of the citizen body is political party organization, party conventions, primary and election campaigns, a system of voting, and all the features good and bad that accompany the voting process.

1

The importance of the voting process and the challenge to the people that it presents are evidenced by the fact that for the democratic state to function at all something more definite and coherent than a discord of voices is a positive necessity. Somehow a unity of citizen opinion sufficiently powerful and predominant to command the acquiescence of the whole citizen body must be established. In no democratic nation has it been found possible to secure complete unity of opinion. The ostensible unity proclaimed by modern totalitarian states, achieved by the legalization of only one political party and the use of coercive methods to secure the general support of that party, "is such a palpable imposture and so obviously subversive of democratic principles that it does not merit serious consideration."¹

Wherever people are free and independent thinking is encouraged they tend to think differently and to think in groups. A characteristic feature of the European democracies prior to the Nazi conquest was the numerous political groups, representing more or less conflicting unities, that appeared. Thus in France during the thirties there were as many as eighteen political party alignments, each commanding the support of a large and responsible group of French citizens. With the votes of the electorate distributed among all these parties it was always necessary to form a coalition of several parties in order to get an effective government. Such a coalition might readily be brought about in order to carry out a particular program, but always with the risk that the coalition would dissolve as soon as the program was completed, thus necessitating the formation of another coalition and another government.²

In the United States party lines have not been drawn so sharply as in the European democracies, that is, in the sense that they do not correspond so accurately to real differences in political thought. American political parties, like brokers, to use the figure of A. Lawrence Lowell, tend to ignore variegations of political thinking and

¹ Samuel N. Harper, *The Government of the Soviet Union*, pp. 69-84.

² See Henry Russell Spencer, *Government and Politics Abroad*, chap. on French government.

CITIZENSHIP AND THE NEW DAY

to assume a unity that ordinarily does not exist.³ For the most part, therefore, the bulk of American voters have aligned themselves under the banners of two leading parties. Minor parties have appeared, and several such parties now exist, but they have hardly ever commanded the support of more than a small fraction of voters.⁴ Accordingly, a majority vote of one of the two major parties has been accepted as a mandate from the people to assume governmental authority.

This practice, admittedly, is a concession to expediency because the presupposition of democracy is that political authority resides in the whole people. There is, however, a practical difficulty at this point. It lies in the fact that it has not been found possible at any given time fully to ascertain what the will of the sovereign people is. It may well be that at the present stage of democratic integration the sovereign people are incapable of formulating a common will or even a majority will respecting the issues presented at any given election. Therefore, in order that democratic government may operate at all it becomes necessary to accept the will of a part of the people for the whole of the people.

In theory at least this method of deciding political issues may be regarded as scientifically sound because it rests upon the postulate that what there is more of necessarily has more weight and authority than that which differs from it merely by being less.⁵ Hence when divisions of opinion occur among the voters and are duly recorded by the ballot the group that commands the largest support has the clearest title to assume the direction of governmental affairs. In default of unanimity of opinion among all the voters, that group whose opinion represents a numerical preponderance in the election is in a better position to represent the whole body of citizens than any other group.

Moreover, it may be affirmed that the voting process, including, as it does, all political groups and through these groups giving to voters an equal opportunity to register their will, represents a valid sampling device upon the basis of which it fairly may be assumed that the opinion of the largest group most nearly expresses the opinion of the whole citizen body, and therefore, properly, may be substituted for the whole.

³ *Public Opinion and Popular Government*, p. 88.

⁴ In the general election of 1940 the Socialist party vote was 999,577. The Communist vote was 46,251. Prohibition vote was 57,812. Social labor vote was 14,861. The vote of other small parties, 48,610.

⁵ See Marie Collins Swabey, *Theory of the Democratic State*, p. 20.

THE VOTING PROCESS AND ITS PROBLEMS

The fact that to date the result of the voting process, in America at least, has been such as to set up minority control does not constitute a valid criticism of our use of the quantitative method of deciding political issues. It is a criticism, rather, of our traditional concept of citizenship and our failure seriously to grapple with the problem of effectual citizen training. If it be a primary function of the democratic state, as T. H. Green avers, to provide the training and experience which are necessary to convert citizen capacity into competence, it speaks rather badly for American democracy that after a hundred and fifty years of history it is found necessary, as a matter of expediency, to commit the power of government to a minority that represents less than 50 per cent of the qualified voters⁶ and only 20 per cent of the citizen body.

2

Fundamental in any system of democratic control is the right to vote. It is not, however, in the same class with the rights affirmed as natural by the Declaration of Independence, but one that grows out of the association of people in the democratic state, and their partnership in the task of expressing the ideals and promoting the aims which properly inhere in the concept of the democratic state. Some restrictions, necessarily, must be placed upon the use of the ballot because, potentially at least, it is a dangerous weapon that may readily be used for undemocratic ends and even for the subversion of democracy itself.⁷

In American practice today, as previously indicated,⁸ the great body of people of mature years are accorded the right to vote. In all the states legally irresponsible persons, criminals, children, and young people under twenty-one years of age,⁹ are properly excluded from the electorate. In a few states, but on grounds not wholly convincing, soldiers, sailors, and marines in the service of the United States government, residents of the District of Columbia, and indigents also are excluded.¹⁰ In all states citizenship is now insisted upon

⁶ The vote of the winning party in 1940 was 27,243,446; the number of qualified voters was 72,942,625. The vote of the two leading parties, and the total vote of all parties, was considerably less in 1944 than in 1940. Doubtless this was caused by the dislocation of voters that resulted from the war.

⁷ Should political groups that stand for the overthrow of democratic government be allowed to function in a democracy as organized political parties? This question is likely to become pressing in America.

⁸ The chapter "The Assumption of Natural Citizen Competence."

⁹ There is much to support the demand for a lowering of the age limit to eighteen.

¹⁰ This exclusion of the indigents from the electorate by some states has brought the demand for the exclusion of all those receiving aid from the government.

CITIZENSHIP AND THE NEW DAY

as a prerequisite of voting, and coupled with this insistence is a residence requirement as a safeguard against repeating. In about a quarter of the states, chiefly in the South, a property qualification in the form of a poll tax is used, chiefly because it was supposed to be an effective method of keeping indigent persons, and particularly Negroes, from voting. It has been found, however, that in practice a poll tax easily lends itself to such political racketeering as the use of party funds to pay the poll taxes of voters "who will vote right." In consequence strong opposition to the poll-tax qualification has become widespread.

In a growing number of states, now almost half, a literacy test is applied. In its most common forms this test requires the applicant for registration as a voter to read some part of the national or state constitution in English and to write his name. Besides the obvious inadequacy of this test, its administration as a rule is in the hands of election authorities, and therefore is often given by persons who are themselves more or less illiterate and who also are political partisans primarily interested in increasing the number of voters for their own party. So far only the state of New York has shown sufficient discernment to take the administration of the literacy test out of the hands of political partisans and to put it into the hands of public school authorities who conduct certain standard tests at regular intervals and give certificates of proficiency to those who pass the tests.¹¹

This slowly growing interest in more intelligent voting arises out of the fact that in each successive generation the problems of American government steadily are growing more difficult. A casual glance at the Congressional Record or even at the columns of the daily press reveals the complicated character of the problems that now beset American politics and raises the question as to whether the majority of the voters have any clear idea of the major issues that these problems present. Nevertheless, in casting a vote for his party ticket the voter is giving endorsement to one policy or another of dealing with these issues. It seems likely that in due time and with larger experience, the right to vote will be better adapted to the complexity of the problems which the voting process necessarily involves.

From the beginning of the Republic there has been a steady movement to extend the suffrage in one way or another until the limit,

¹¹ The application of the test under the New York plan is not general, since all those who have completed the fifth grade in an approved school are exempted.—William Anderson, *American Government*, pp. 363-77.

THE VOTING PROCESS AND ITS PROBLEMS

almost, has been reached. There are some indications, however, that a movement now has begun to limit the suffrage in a manner to promote electoral competence and therefore really to extend democratic control. Possibly the state of New York in imposing a test administered by public school educators rather than by political partisans has pointed the direction that the movement should take. In character the New York plan is entirely in line with the policy of universal education, and properly administered it would seem to be wholly in consonance with democratic ideals and principles. Moreover, the plan assumes the principle that political capacity is "implicit," and rightly applied and supplemented by educational processes it should have positive value in translating "implicit" capacity into competence.¹²

Because the voting process in character is scientific, and because it is the necessary means of implementing democratic political action, the casting of a vote must be construed not only as a right or privilege but as a function of citizenship. Under political authoritarianism the people are necessarily passive, and more or less inert, because the driving force of government is not derived from them. But in a democracy the people must be politically dynamic. Political processes must be developed on the basis of experience. Voters must understand these processes and make an intelligent use of them, and failure at this point means failure of democratic motive power.¹³

3

The "perfectionist" theory of citizenship assumed that people who were given the right to vote would eagerly embrace it and use it to promote the common good. Even the opponents of democracy, without argument, admitted as much. At the outset of the modern democratic movement it apparently never occurred either to the friends or to the foes of democracy that a considerable number of those who got the ballot might not use it or that anything other than the common good might appear as an issue in elections.

The democratic process simply has not worked out in conformity

¹² The most that now can be claimed for the New York plan is that it points in the right direction. It is not thorough enough or adequately supplemental. And there is convincing testimony that it is not properly administered.

¹³ There is substantial ground for the claim put forth by a few careful students that the electorate in reality constitutes a fourth branch of our governmental system, that it is just as important for it to function properly as it is for the executive, legislative, and judicial branches to function properly, that habitual failure of voters to cast their votes is essentially abdication and should be treated as such.—W. W. Willoughby, *Principles of the Constitutional Laws of the United States*, chap. ii, p. 229.

CITIZENSHIP AND THE NEW DAY

with these preconceptions. The facts show that even in the most important and exciting elections a large proportion of the electorate habitually abstain from voting. Thus in the last four presidential elections, according to reliable estimates, the following results appear. In 1928 there were 20,301,331 abstainers, in 1932 the number was 23,128,478, in 1936 it was 21,507,523, and in 1940 it was 23,128,306. In each of these elections weighty and even portentous issues were presented, and the election campaigns were conducted with a wealth and ingenuity of publicity, and with an urgency of appeal never before surpassed, and yet in all three elections only about two thirds of the eligible voters made response. In Congressional, state, and local elections the showing is even worse, since the number of abstainers often total as many as 50 per cent, and in primary elections as many as 65 or 70 per cent of the eligible voters.¹⁴

The meaning of this extensive nonvoting naturally has been the subject of much inquiry, because to all those who have cherished a great faith in popular government this evident abandonment of their sovereignty by so many citizens not only has been a disappointment but has brought something of a shock. A painstaking inquiry into the reasons for the nonvoting that occurred in connection with the Chicago mayoralty campaign of 1923 reveals what would seem to be the characteristic mood of nonvoters with reference to their voting.¹⁵ In this particular contest, out of 1,400,000 possible voters 900,000 registered, and of those who registered only 723,000 finally went to the polls, a little over 50 per cent of those who were eligible. Following the sampling method, which assumes that a smaller group selected at random from a larger group tends to have the character of the larger group, careful interviews with nonvoters were conducted by canvassers who had been thoroughly coached for their task. The data collected showed that about 30 per cent of the interviewed claimed to have had some insuperable difficulty that kept them away from the polls. "They were ill, or had illness in the family, or were absent from the city, or had insufficient legal residence." The other 70 per cent did not even pretend to have a valid reason for their nonvoting and a considerable proportion of them were honest enough to say that they were not interested.

To the minds of various students of the problem the explanations

¹⁴ See Chester C. Maxey, *The American Problem of Government*, p. 335; Frank E. Palmer, "We Vote as We Please," *Current History*, January 1939; and Edgar E. Robinson, *The Presidential Vote, 1896-1932*.

¹⁵ See Merriam and Gosnell, *Nonvoting*. This study is thorough, and the data presented are of incalculable value for an understanding of the problem of nonvoting.

THE VOTING PROCESS AND ITS PROBLEMS

of nonvoting given by nonvoters are not nearly so significant in themselves as in what they indicate. Thus John Dewey construes these answers to mean a sense of futility on the part of the non-voters:

Instead of individuals who in the privacy of their consciousness make choices which are carried into effect by personal volition, there are citizens who have the blessed opportunity to vote for a ticket of men mostly unknown to them, and which is made up for them by an under-cover machine in a caucus whose operations constitute a kind of political predestination. . . . Who pulls the strings which move the bosses and generates the power to run the machines is a matter of surmise rather than of record, save for an occasional overt scandal.¹⁶

Similarly, Walter Lippmann regards these explanations as meaning "bewilderment and disillusionment."¹⁷ In other words, these non-voters have come to feel, although they themselves may not be conscious of it, that public affairs as ordinarily conducted are beyond their reach and outside their world and that, in spite of all that is said at election periods about the sovereignty of the people, the votes of the people in reality do not mean government by the people in any proper sense.

It is probably true that the explanation of nonvoting by these eminent commentators is not overdrawn. Very naturally our unintelligent, undemocratic, and wholly unethical political practices as represented by partisan politics could not fail to produce reactions exceedingly damaging to our democratic faith. The characterization of these reactions as "a sense of futility," "bewilderment," and "disenchantment" does not adequately describe the damage that has been done. But, on the other hand, the fact should not be overlooked that such political practices are largely the consequence of ineffectual citizenship. If the gardener loses interest and neglects his garden, the weeds are sure to grow, and the greater the neglect the more prolific and ranker the weeds.

In the last analysis it would seem that the essential truth about our nonvoting is that our nonvoters have no clear conception of the functions of citizenship. Their minds were never really kindled by democratic idealism, their sense of social and political responsibility was never properly developed. The failure at this point stems back to the general attitude toward the state that as a democratic people

¹⁶ *The Public and Its Problems* (New York: Henry Holt & Co., 1927), pp. 119-20.

¹⁷ *The Phantom Public*, p. 25.

CITIZENSHIP AND THE NEW DAY

we have developed—our absorption in ordinary daily pursuits, and the commitment of our political machinery to a class of professionals who make their living out of politics;¹⁸ the atmosphere of political irresponsibility that has been engendered and that permeates the whole nation; the easygoing optimism that occasional intervention by the people will suffice to correct abuses and set everything right; and the general failure to realize that competent citizenship is the motive power of democracy, that citizen interest and active concern cannot be delegated if democratic government is to remain democratic, that democracy, as expressed by Sir Herbert Samuel in a House of Commons speech, is “like a hobby horse because a hobby horse goes only when the person who rides it knows how to use his own legs.”¹⁹

Various solvents of the problem of nonvoting are proposed. Among these are the plan of a holiday or part holiday, without loss of pay, for the purpose of voting; an adequate but not too complicated provision for absentee voting; organized publicity campaigns for the instruction of voters in the mechanics of voting; the publication and circulation by nonpartisan committees, at the expense of the government, of adequate information about candidates and issues; the registration of voters by some such methods as are practiced in taking the census; or even the adoption of not too onerous compulsion such as the imposition of a small fine or at least the publication of the names of nonvoters.

Such expedients deserve, and in fact are receiving, widespread consideration,²⁰ because it is evident that whatever steps are taken which help to simplify the voting process, to remove inconveniences, to mitigate difficulties, to stimulate incentive, to create a sense of obligation, must have a positive value in lessening the amount of nonvoting, and to that extent increasing the effectiveness of the voting process. But, since the problem of nonvoting is rooted in concepts and attitudes which long have been developing and are deeply entrenched in American democratic life, it seems likely that the solution of the problem lies nowhere else than in the correction of these concepts and attitudes.²¹

¹⁸ See Lowell, *Public Opinion and Popular Government*, pp. 102-5.

¹⁹ “Dictatorship or Democracy?” *Current History*, June 1934.

²⁰ See Merriam and Gosnell, *op. cit.*, chap. iv.

²¹ To correct the concepts and attitudes which constitute the background of nonvoting calls for a program of education for citizenship more thorough than has ever been attempted.

THE VOTING PROCESS AND ITS PROBLEMS

4

Not less serious, from the standpoint of effectual citizen action, than the problem of nonvoting is that of blind voting. At this point we are confronted with the argument, based upon the intelligence tests, that blind voting is inevitable, because every nation is full of people who are biologically "incapable" of participating in government, and consequently that political power in every nation must reside in a small superior group who are qualified to use it. Thus N. J. Lennes, a leading exponent of this argument, declares that the difference between those who vote intelligently and those who vote blindly is not a difference that results from unequal education, but for the most part from hereditary traits that cannot be modified by education. A careful study of society, he says, clearly shows that different social strata or levels are determined by inherited mental traits which cannot be changed. On the whole, the sons and daughters of lowly workers are fitted only to become lowly workers, whereas those born in the highest class are on the whole fitted to remain in that class.²²

Democratic theory rejects in toto this concept that, on biological grounds, assumes to differentiate political capacity on the basis of social class or station, and thus to mark off sharply an exceptional minority so clearly superior to the generality of people as to give them the right to exercise political control. About all that the intelligence tests can do for us is to measure rather accurately certain mental capacities which reach their maximal development somewhere between the ages of fourteen and sixteen, but they do not establish any marked difference of political capacity as between people of different social classes or levels, or even as between people of different races.

As a matter of course, democratic theory recognizes the existence of feeble-mindedness and other mental abnormalities that clearly constitute a permanent hindrance to the sharing of political power, but otherwise democratic theory assumes that, however people of different social classes and stations may differ, they do not differ significantly in the possession of social, political, and other capacities which "can be elicited by education and experience." And this democratic postulate would seem to be supported by the verdict of history. Thus it is shown by Raymond Pearl that of the eighty-five poets

²² See N. J. Lennes, *Whither Democracy*, pp. 8 ff. Other writers of note who take this view are H. L. Menken, William McDougall, and Lathrop Stoddard.

CITIZENSHIP AND THE NEW DAY

who are given the most extensive mention in the *Encyclopaedia Britannica* only three were descended from distinguished parents; that of sixty-three prominently mentioned philosophers most of them were the offspring of obscure clergymen, shopkeepers, watchmakers, clerks, petty officeholders, and humble peasants.²³ Likewise, Edwin G. Conklin reminds us that Jesus of Nazareth was the son of a carpenter, Leonardo da Vinci the illegitimate son of a domestic servant, Shakespeare the son of a butcher, Beethoven the son of a confirmed drunkard, Schubert the son of a peasant, Faraday the son of a poor blacksmith, Carlyle the son of a stonemason, Pasteur the son of a tanner, Browning the son of a clerk; that Socrates' mother was a midwife, and Lincoln's father belonged to a class that was characterized as "poor white trash."²⁴

Nonvoting, blind voting, and other modes of unintelligent citizen action or lack of action, so far as evidence can be obtained, by no means controvert democratic theory, as the biological determinists assume, because such action or the lack of it is by no means confined to those who belong to the so-called inferior classes. There is ample reason to believe that both nonvoting and blind voting are prevalent among the educated classes as well as among the masses, among wealthy suburban populations as well as among slum populations, among doctors, lawyers, and college professors as well as among wage workers and farmers. The fact seems to be that neither intellectual capacity nor education, as generally understood, is sufficient to guarantee political interest or intelligent choice at the polls.

Furthermore, it would seem on the basis of well authenticated facts that a preponderance of voters of both the major political parties, whether they belong to the educated or to the uneducated classes, are swayed quite as much—or more—by their prejudices, emotions, inherited political attitudes, and financial interests as by rational convictions.²⁵ Thus a careful study of presidential elections by Frank L. Palmer, covering a period of forty years, from 1896 to 1936, shows that the votes cast by both the Republican and Democratic parties were fairly constant, that there was little shifting of votes, in few cases more than a million, from one party to the other, notwithstanding the candidates or the issues presented. The shifts in power, says Mr. Palmer, have resulted not from losing voters from one party to another but from splits in the major party and

²³ "The Biology of Superiority," *The American Mercury*, November 1927, pp. 257-66.

²⁴ "Biology and Democracy," *Scribner's Magazine*, April 1919, pp. 403-12.

²⁵ This explains what is meant by "blind voting."

THE VOTING PROCESS AND ITS PROBLEMS

the establishment of new voters through promises that appealed to more or less selfish motives.²⁶ It would seem, therefore, that in developing party support what both parties have actually accomplished has been to regiment an overwhelming majority of their supporters on the basis of tradition, inherited prejudices, party loyalty, and presumed economic advantages rather than the actual political education of voters, the creation of independent thinking with respect to political policies and issues, and independent action in voting for what are adjudged to be the best interests of the nation. This, unfortunately, is a situation that very likely will continue until more substantial progress has been made in the development of a citizenry and there is less dependence on crowd appeal.²⁷

5

There are certain definite measures, however, which if put into operation could not fail to contribute greatly toward the solution of

²⁶ "We Vote as We Please," *Current History*, January 1939, pp. 35-37. Votes of the two parties in elections from 1896 to 1936 were as follows:

1896			1916		
McKinley	Rep.	7,035,000	Hughes	Rep.	8,538,000
Bryan	Dem.	6,467,000	Wilson	Dem.	9,129,000
1900			1920		
McKinley	Rep.	7,219,000	Harding	Rep.	16,152,000
Bryan	Dem.	6,358,000	Cox	Dem.	9,147,000
1904			1924		
Roosevelt, T.	Rep.	7,628,000	Coolidge	Rep.	15,725,000
Parker	Dem.	5,084,000	Davis	Dem.	8,885,000
1908			LaFollette	Prog.	4,882,000
Taft	Rep.	7,679,000	1928		
Bryan	Dem.	6,409,000	Hoover	Rep.	21,392,000
1912			Smith	Dem.	15,016,000
Taft	Rep.	3,483,000	1932		
Roosevelt, T.	Prog.	4,126,000	Hoover	Rep.	15,761,000
Wilson	Dem.	6,286,000	Roosevelt, F. D.	Dem.	22,821,000
1936					
Landon	Rep.	16,679,000			
Roosevelt, F. D.	Dem.	27,476,000			

²⁷ In the 1912 election the shift of power clearly was caused by the split in the Republican party. In the 1920 election the large preponderance of the Republican vote was caused by the "back to normalcy" reaction following the First World War. The reaction brought a large number of new voters into the Republican ranks. In the 1924 election the disproportion in the vote of the two parties was caused by the movement led by LaFollette, which drew more heavily on the Democratic party than on the Republican. In the election of 1928 the disproportion apparently was caused by the religious issue, which swelled the Republican vote by about five million. These new voters, however, did not continue with the Republican party.

In the 1924 election LaFollette polled his large vote by appealing to the particular interests of industrial workers and farmers. In the 1932 election F. D. Roosevelt, following the example of LaFollette, appealed to industrial workers and farmers by offering specific promises, and to these classes he added a third, the unemployed.

CITIZENSHIP AND THE NEW DAY

both the problem of nonvoting and the problem of blind voting. One of these measures, suggested by A. Lawrence Lowell a score of years ago,²⁸ and still greatly needed, is to lighten the burden that is borne by the American electorate. Our democracy from the outset has been colored by the influence of the frontier. It began on the eastern seaboard and slowly traveled across the continent, and thus its concepts and practices were determined largely by conditions that obtained in small frontier communities. An interesting feature of this frontier democracy was a marked dislike of the people to entrust public office to anyone but their direct representatives, who were elected for short terms and kept subservient to public opinion by constant fear of removal.

As long as social and political conditions were in a more or less formative stage and remained comparatively simple, this system of direct representation worked satisfactorily. But with the immense growth of population, the necessary extension of government, and the creation of hundreds of new departments and offices the system does not work so well. It has resulted in the creation of so many elective officers that voters are no longer able to control either the selection of candidates for these offices or their conduct after they have been selected. Such devices as the primary, the initiative, the referendum, and the recall have not relieved this situation. There is in fact substantial ground to argue that instead of lessening the burden of the electorate they have added to it by increasing the number of elections and, in the case of the primary, the number of candidates to be elected. The inevitable result is confusion and blind voting even by otherwise intelligent people.²⁹ There must be fewer elective offices, and fewer officers to be chosen; in other words, the short ballot. This need is now widely recognized, but it may require another generation to secure its general adoption.

Another measure that would help to relieve the burden of the electorate, to dispel confusion, and to make voting more intelligent and effective is the development of adequate administrative management in all branches of government, including trained personnel under a system of appointment rather than by popular election, and with discretionary powers to work out the special legislation that is needed under broad policies that are determined by our respective

²⁸ *Op. cit.*, pp. 105-7.

²⁹ It is evident, on the other hand, that these devices have a positive value in increasing the control of the electorate over operating government.

THE VOTING PROCESS AND ITS PROBLEMS

legislative bodies.⁸⁰ This would serve to lessen and to simplify the issues that come before the electorate, something greatly to be desired in the interest both of an efficient electorate and of efficient legislative bodies. In view of the increasing complexity of the problems with which government must deal it is evident that the proper function of lawmaking bodies in their representative capacities is to work out the broad principles of governmental policy and not to decide details, to determine the general directives of governmental action and not the minutiae of government. For nearly half a century a struggle has been going on to develop public interest in trained administration, and the partial adoption of a merit system by the national government and more recently by various state and city governments is proof that the struggle has not been in vain. To date, however, hardly more than a beginning has been made. "There is still a long way to go. . . . There are thirty-one states with a population of 58,000,000, and there are 1,114 cities and 2,880 counties with a population of 31,000,000," in which hardly any progress toward adequate administrative management has been made.⁸¹

Still another measure that at least would serve to mitigate our two most pressing voting problems, if it did not solve them, would be the general adoption of some such educational expedient in the interest of new voters as is presented in the "Manitowoc plan." The origin of the plan was simple enough. A member of the faculty of the University of Wisconsin suggested to a local adult class in municipal administration that the general adoption of a "citizenship day" for the formal induction of new voters into the electorate might be advantageous. Thereupon a committee was appointed to consider the suggestion and this committee worked out a sensible and appealing plan that was tested by an actual experiment carried out in Manitowoc County, Wisconsin, in the latter part of 1938 and early part of 1939.⁸²

The most important features of the plan were a census of the young people of Manitowoc County who would reach the voting age before May 21, 1939; the organization of these youths in each of the county's thirty-eight voting precincts; the frequent meeting of each group

⁸⁰ This would require adequate general supervision on the part of legislative bodies.

⁸¹ Merriam, *On the Agenda of Democracy*, p. 27.

⁸² The suggestion of a "citizenship day" was made by Professor R. J. Colbert of the University of Wisconsin. The plan for an effective use of the suggestion was prepared by a committee. The Manitowoc Experiment was conducted by the Extension Division of the University of Wisconsin in co-operation with the Manitowoc School of Vocational and Adult Education.

CITIZENSHIP AND THE NEW DAY

with competent leadership for a discussion of both the theory of democracy and its practical workings in ward, city, county, state, and national politics; the holding of at least three major meetings by each of the groups at which they were addressed by educators, jurists, and public officials; and finally, as a climax, the observance of a citizenship day, in which all the responsible citizens of Manitowoc County joined, and with fitting ceremonies the new voters were inducted into their status of full-fledged members of the American electorate.

The intention and character of the Manitowoc plan are thus interpreted by two speakers who participated in the Manitowoc Citizenship Day program. Professor Colbert said:

The prime purpose of the plan does not relate to a flag-waving, eagle screaming sort of active Americanism. Quite the contrary. With the duties and responsibilities of government becoming more complex and affecting the citizen's daily life in an increasing number of points, self-government today requires that the voter take a more active and intelligent interest in his government than was required of the citizen of yesterday. Citizenship Day climaxes the program of citizenship training. It is the day the voters "graduate" into the "electorate."³³

Said President Dykstra:

Our American Democracy needs a dramatization of the meaning of citizenship, and a formal induction of our young people into the voting rite calls attention to the responsibilities of membership in a self governing enterprise. We have taken American citizenship and the voting privilege for granted for so long that the duties which attend this status have given us little concern. Primitive tribes, ecclesiastical, and fraternal organizations do not make this mistake. They see the need of some ritual which bridges the gap between the novitiate and the full fledged participant or member. The approach of adulthood should provide a period of education and consecration for those about to become responsible members of a democratic community.³⁴

Early in 1940 the President of the United States became interested in the plan for instructing and inducting new voters, and in a message to the nation in which he expressed his interest in and approval

³³ *Bulletin of the University of Wisconsin*, May 1939, p. 9.

³⁴ *Op. cit.*, p. 2. This bulletin is an organization handbook published by the Extension Division of the University of Wisconsin. This handbook contains full directions for organizing the entire inductive program.

THE VOTING PROCESS AND ITS PROBLEMS

of the plan he designated May 21 as citizenship day and called upon American citizens everywhere to co-operate in a program that would make the day significant and fruitful both for new voters and for the general reaffirmation of faith in America and American democracy. Somewhat unfortunately the emotional patriots, who always seem to be in the preponderance, seized upon the idea with avidity, with the result that the observance of citizenship day became, to a great extent, exactly what it was not intended to be, an occasion for "a flag-waving and eagle screaming sort of display" that subserved no useful end. The project, however, should not be abandoned, because wherever it has been intelligently used significant results have been produced. The intention and character of the plan are such that it should interest in particular our educational agencies, both colleges and high schools, and all citizen agencies dedicated to the idea of improving the effectiveness of American citizenship.⁸⁵

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⁸⁵ The Extension departments of the University of Wisconsin and the University of Oklahoma, and the National Municipal League, New York, are in a position to supply full information in regard to the Manitowoc Plan.

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PART II

The Idealistic Character of Citizenship

Chapter VI

Liberty and Responsibility

To reflect
The promise of the future, not the past,
He who would win the name of truly great
Must understand his own age and the next
And make the present ready to fulfill
Its prophecy, and with the future merge
Gently and peacefully, as wave on wave.

—LOWELL

It would seem indeed that there is a real community between freedom as expressing the condition of a citizen of a civilized state, and freedom as expressing the condition of a man who is inwardly master of himself. —T. H. GREEN

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1. LIBERTY AS A SOCIAL PRODUCT; ITS ACHIEVEMENT BY THE GREEKS
 2. CONFUSED AMERICAN THINKING ABOUT LIBERTY
 3. PERVERSIONS OF LIBERTY
 4. FREEDOM OF SPEECH
 5. FREEDOM OF RELIGION
 6. THE COUNTERBALANCE OF LIBERTY
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EXAMINATION OF the historical development of citizenship, its functions and processes, necessarily leads to a study of its spirit or character, its implications and ends. To speak of these as idealistic is by no means to make citizenship synonymous with the sort of visionariness that emancipates ideas from actualities or the subjectivism that makes assumptions and fashions goals which are out of touch with human experience. It means rather that citizenship visions individuals in relation to the state, not merely as tools to be manipulated for ulterior ends by an authority outside themselves but as free, responsible, active, and creative intelligences who in association and with mutuality of regard naturally and properly determine social and political processes and purposes.

For America and all democratic societies a new era began with the

CITIZENSHIP AND THE NEW DAY

outbreak of the Second World War that presents new conditions of portentous significance. One of these is the rapid change, especially technological, that transferred a loosely organized society which provided, and indeed required, almost unlimited scope for such individual qualities as independence, self-reliance, and initiative into a closely knit society of individuals and groups whose welfare is so interrelated and interdependent, demanding co-operative effort to such an extent and of such a character that our democratic ideals as once conceived have lost much of their pertinence. Another of these conditions is the tremendous world upheaval, still in progress, that is breaking down traditional authorities and balances, releasing great populations from concepts and habits to which for centuries they had been subjected, and making way for an upsurging of racial and nationalistic prejudices, ambitions, and aspirations which will not be denied. These conditions, and the vast complex of problems they engender, presage a new world, with many unfamiliar and unpredictable situations in which we must live and work out our destiny as a democracy.

This new world with its new problems means that American citizens generally are faced with an enormous task of mental, moral, and institutional readjustment. Confident though we may be that the great historic ideals of our democracy represent values from which mankind in the long run will not turn back, it is clear now that these ideals have been interpreted in ways that have sheltered and excused great iniquities, abuses, and injustices under which millions have sweated and suffered. If democracy is to be the constructive and dominant force of the new era, our historic ideals must be reinterpreted in terms that fit the new conditions and needs.

1

Beginning with the idea of liberty, it is well to remember that there is no such thing as liberty in the abstract. The concept was not plucked from the air or deduced from pure reason. It was born and developed of necessity. In the slow process of social evolution men discovered that a certain degree of individual freedom of thought and action is essential, not only to the life of the individual but also to the life of the group. This concept, in time, became an achievement of people in association and was asserted as a right. The argument, therefore, that liberty is a "natural right" can mean only that man is so constituted in his nature that liberty is a quality essential to his humanity. Without it he is less than a man. It is a

LIBERTY AND RESPONSIBILITY

"right" in the sense that it is an imperative. The individual is endowed by nature with the capacity for achieving liberty, but only through social relationships which represent mutuality in the sense that each regards the exercise of liberty on his part as conditioned by a like exercise on the part of others.

It may be assumed that the earliest strivings for liberty occurred within the family group and took the form of claiming and establishing in practice certain concrete concepts of well-being as common to each member of the group. As the family expanded into the village, the clan and the gens, and these into more comprehensive associations, the concept of liberty gradually assumed a larger reference. Instead of an ideal of well-being that applied to each member of a family group, it became an ideal that applied to each member of some larger association. However, during the long centuries of autocratic control, individual liberty was confined to very narrow limits, so narrow that in a modern civilized community it hardly would be recognized as such.

Liberty in the sense of concrete and fundamental individual rights, recognized and guaranteed by the state¹ came with the emergence of citizenship and the development of political society based on citizenship. And since liberty is the concomitant of citizenship it did not arrive full blown, but represents many centuries of slow and tedious development. Perhaps only as the principle of citizenship is fully understood and consistently expressed in political association is it possible for us really to know and to experience liberty. Thus considered, citizenship and liberty are not two concepts, but two different aspects of the same concept.

The Greeks alone of all ancient peoples developed a political society based upon a theory of citizenship that fundamentally was sound, and in accompaniment they achieved the noblest ideal of liberty that obtained in the ancient world. As expressed by Pericles,² liberty grows out of the civilized man's attitude toward life, and his organization of society and government in a civilized way. In the "Funeral Oration" he glorifies the tolerance which the citizens of Athens manifest in all their relations, toward one another and toward

¹ The terms "liberty" and "freedom" are in reality synonymous, though in many instances "liberty" is used as a specific term and "freedom" in a general sense. "Freedom" is derived from the Old Saxon *freōdōm*, and "liberty" from the Latin *libertas*. In this discussion the two nouns are used interchangeably.

² In his "Funeral Oration" of 431 B.C., while the Peloponnesian War was still in progress. In the oration Pericles voices the democratic ideals of Athens, the most advanced of all the Greek states. Sparta, on the other hand, was thoroughly regimented.—*Thucydides*, Jowett ed., I, 126-35.

CITIZENSHIP AND THE NEW DAY

strangers. He expresses opposition to the notion that people may be made virtuous by law. He affirms that the very security of the state lies in the freedom, happiness, and good taste of the citizens and in their intelligence and education. And he makes it clear that by education he does not mean the sort of routine drill that aims at conformity, but discussion and the pursuit of knowledge with a view to developing the ability to think before acting. In other words, liberty, both in its measure and in its quality, necessarily is determined and guaranteed by enlightened citizenship, and not merely by legal enactments.

Unfortunately, however, Greek character suffered from certain defects and contradictions that were highly disadvantageous to citizenship and liberty. They were temperamentally quarrelsome and ambitious, and their integrity was so much in doubt that it gave rise to the axiom, "Beware the Greeks even when they bring gifts." While under the spell of their great leaders these defects of character were kept more or less in abeyance. But with the execution of Socrates in 399 B.C. the influence of the great leaders began to decline, and the natural defects of Greek character more and more came into play. The inevitable result was widespread deterioration of the earlier concept of citizenship and liberty. It was that as much as anything which opened the way for the Macedonian Conquest in 323 B.C. and the virtual collapse of Greek democracy.

The American concept of liberty as expressed in the Declaration of Independence and the Bill of Rights attached to the Federal Constitution, derives from various sources and combines different strains. One of these is Anglo-Saxon and reaches back to ideals of liberty that began to take shape in English life prior to the Norman Conquest.³ Another indicates a Greek origin and represents elements of Greek thought filtered through the writings of More, Hobbes, and Milton⁴ and incorporated into English libertarian thinking. Another is distinctly Christian and bears the imprint of Occam, Wycliffe, and John Ball,⁵ the first early English exponents of Christian ideals of liberty, and a host of disciples who succeeded them. And still another strain that has helped to give color to our concept of liberty derives from the free life, the quality of mind and spirit, and the point of view developed by the American frontier.

³ See Chapter II, "The Incubation of Citizenship in America," sec. 2.

⁴ Sir Thomas More (1478-1535), Thomas Hobbes (1588-1679), John Milton (1608-74).

⁵ William of Occam (1280-1347), John Wycliffe (1324-84), John Ball, a popular preacher of the same period.

LIBERTY AND RESPONSIBILITY

In sum, it may be said that American liberty as a concept expressed in our fundamental law, our institutions, and our literature signifies the guarantee or protection of the rights and attributes of self-determination which the founders of our Republic held to be essential for the achievement of a true humanity, and for the development of a civilization that comports with it. Therefore, the guarantees provided are not concerned with rights that in general go unchallenged, but only with those which experience has proved to be most exposed to interference, and which in consequence men hold dearest and most important. Furthermore, the interest in general education displayed by the founding fathers is proof that, like the Greeks, they realized that the guarantees of liberty depend not so much upon legal enactments as upon general culture, discerning and responsible citizenship.

2

In American practice, throughout our history and at the present time, the concept of liberty, like that of citizenship, is attended with vast confusion and consequent contradictions of our constitutional ideal so marked on occasion as to indicate the lack of any valid notion of what liberty means. The explanation of this confusion is the fact that popular control, which, in theory at least, came with the victorious outcome of the war for independence, has never been adequately understood or consistently interpreted by the American masses. The achievement of independence, the establishment of a government based upon citizenship, and the adoption of legal guarantees of the liberty that goes with citizenship, meant only that Americans had won freedom from English control, and that thenceforth their destiny as a people was in their own hands.

The early leaders of America who shared the Greek idea of the vital and eternal connection between freedom and responsibility, enlightened citizenship and worthy self-government, rightly appraised the educational problem that government by the people imposed, and to meet the problem they depended upon the spread of popular education. However, the rapid expansion of the nation, the great increase of population, the incorporation into our citizen body of so many diverse racial elements have so added to the complexities of the problem that it is still unsolved. Israel Zangwill's drama *The Melting Pot* graphically pictures the nature of the problem as it was visualized at the turn of the century, and it has not perceptibly changed. The conversation is between Vera, a Christian girl inter-

CITIZENSHIP AND THE NEW DAY

ested in social settlement work, David, a young Jewish violinist, and an American named Mendal.

Vera: So your music finds inspiration in America?

David: Yes—in the seething of the Crucible.

Vera: The Crucible? I don't understand!

David: Not understand! You, the Spirit of the Settlement! . . . Not understand that America is God's Crucible, the great Melting-Pot where all the races of Europe are melting and re-forming! Here you stand, good folk, think I . . . with your fifty languages and histories, and your fifty blood hatreds and rivalries. But you won't be long like that, brothers, for these are the fires of God you've come to. . . . Into the Crucible with you all! God is making the American.

Mendal: I should have thought that the American was made already—eighty millions of him.

David: Eighty millions! Eighty millions! Over a continent! Why, that cockleshell of a Britain has forty millions! No, uncle, the real American has not yet arrived. He is only in the Crucible, I tell you—he will be the fusion of all races, the coming superman. Ah, what a glorious Finale for my symphony—if I can only write it.⁶

And not yet has the real American arrived. He is still in the making. It should not, therefore, be a matter of surprise that liberty should often be misunderstood or grossly caricatured, not only by individuals but also by numerous and often powerful groups, the Ku-Klux Klan, fundamentalist sects, the champions of legal prohibition, superpatriotic bodies striving to impose their particular concepts upon the whole population by methods wholly at variance with the spirit of the Bill of Rights, present at times an absurd spectacle, but not necessarily the dangerous situation so many seem to think. The activities of these groups merely evidence the fact that, as full-statured Americans, their adherents have not yet arrived.

Naturally, this popular misunderstanding of liberty may easily be shared by those selected for public office and positions of public trust, and reflected in their behavior as servants of the public. There is, for example, the case of a man who at a public meeting quoted a section of the Declaration of Independence and was promptly arrested by a policeman for so doing. "It was not I who said that," urged the victim in defense, "it was Thomas Jefferson." "Tom Jef-

⁶ From Israel Zangwill, *The Melting Pot* (New York: The Macmillan Co., 1909), pp. 36-38. Used by permission of the publishers.

LIBERTY AND RESPONSIBILITY

ferson, hey!" shouted the policeman. "Come along then and show me the guy, we'll get him too." Though obviously an extreme example, it serves to show the futility of legal guaranties of liberty in the hands either of private citizens or of public officials who have not yet achieved the concept of liberty that American citizenship implies. The same observation applies to the mass of legislation, so flagrantly in contradiction of the intent of our historic guaranties of liberty and so palpably the product of immaturity that the records of our legislative bodies reveal.⁷

On the basis of such manifestations in democratic societies W. E. H. Lecky,⁸ the English historian, endeavored to prove an overwhelming trend of democracy toward interference with private liberties. And José Ortega, the Spanish writer, reiterates the view that the masses inherently and inevitably tend to depress the level of human liberty. On the other hand, American experience definitely shows that the efforts of powerful segments of democratic society arbitrarily to restrict the liberties of individuals are incidental to immaturity, and to the lack of the civic understanding that to the Greek mind constituted the background of liberty. Obviously the cure for these prevalent American misapprehensions lies in the diffusion of general culture and in more serious and effective education for liberty. The fact that they have persisted throughout our history is proof that adequate standards of training for liberty have not yet been established.

3

Far more serious than these customary misinterpretations of liberty, and therefore giving occasion for real concern, is the current widespread perversion of liberty through lack of a counterbalancing sense of responsibility. "Every truth," says Will Durant, "is tempted to expand until it becomes a falsehood. Every virtue is made a vice through excess, and nothing fails like excess. In all the realms of our democratic life, liberty has run its course from stimulus to disorders, from beneficence to disintegration." This indictment refers primarily to the irresponsible misuse of liberty in America, increas-

⁷ Thus the legislatures of three states have declared it unlawful for a teacher in any of the universities, normal schools, or other public schools to teach any theory that denies the story of the divine creation of man as taught in the Bible. In three other states Jews are denied the same legal status enjoyed by other people. In one state it is a legal offense either to purchase or to sell gasoline on Sunday during the period of church services. In one state certain dance steps are forbidden by legislative enactment.

⁸ See Lecky, *Democracy and Liberty*; and Ortega, *The Revolt of the Masses*.

CITIZENSHIP AND THE NEW DAY

ingly exhibited since the turn of the twentieth century. The following statements of Durant are particularly challenging:

Education in America surrendered to the student. For the most part the student chose his teachers and his courses, discountenanced discipline, avoided tasks that required concentration and helped a superannuated curriculum to transform school and college days into an enfeebling isolation from the realities and responsibilities of life. Pedagogy gave up the training of character, and devoted itself to equipping the unmoral intellect with all the armory of science . . . Whatever the newly emancipated intellect could not understand was rejected as false, and ideas were venerated in inverse proportion to their age. Every lad of eighteen sat in judgment upon institutions of society and codes of conduct that represented the experience of a thousand generations of man. If he could not understand in one adolescence what had been learned in a millennium he was free to trust his powerful eighteen-year-old reason, and to reject the family as tyranny, marriage as bondage, religion as opium, government as exploitation, and property as theft. . . . A thousand brave experiments were made in the relation of the sexes, a million lives were ruined, a million marriages and families were broken up. The stoicism that had cleared the wilderness and made a civilization, passed, in many men and some women, into the epicureanism that reveled through night after night, exhausting the body, and emptying the soul. . . . Women ceased to be mothers and became fragile, expensive toys; men played with them, but did not respect them; education lavished itself upon them, but the more knowledge they collected, the more superficial they became. . . . Literature became the voice of the liberated intellect, of minds irked and challenged by every inhibition, reputation and authority. Sexual irregularities became the favorite topic of fiction and drama, rivaled only by crime. Music became a contest in noise, a savage accentuation of the beat to accord with the St. Vitification of the dance, a thousand raucous orchestras filled night clubs, dance halls and hotels, and poisoned the helpless kilocycles of the air. . . . In the political field, the financing of politics, relief and defense threatened national solvency, and laid the specter of inflation upon every salary, every savings account, every insurance policy, every action or impulse of thrift. Under freedom the Government of the nation, of its cities, and its states grew bitter fruits. Constitutional liberties co-operated with relaxed morals and mechanical inventions to make crime casier, detection difficult, conviction rare. The extension of the suffrage gave new power to mediocrity, invited the establishment of organizations for the harnessing of votes, closed elective office to the finest men, and undermined the competence and integrity of public administration.⁹

⁹ Will Durant, "Self-Discipline or Slavery," *The Saturday Evening Post*, Jan. 18, 1941, pp. 27 f.

LIBERTY AND RESPONSIBILITY

Perhaps these criticisms are too drastic. It may be only a few segments, and those the most obvious, of our democratic life that are so affected and not the whole realm. It may be, also, that the perversion of liberty charged by the indictment is more superficial than appears at first sight, that instead of a sickness at the roots of our society it is only the temporary reactions resulting from a too rapid change from a period of struggle and deprivation to one of affluence and comfort that we have been witnessing.

But there is sufficient substance in these criticisms to cause Americans to pause and to re-examine their ideals and values, and to give themselves a chance to realize again that "liberty and democracy have roots in cultural discipline, both religious and humanistic, which alone give meaning to human life and history."¹⁰ We must create those disciplines and support them in order to bring to fruition what is good in their nature, and to control what is bad. When we ignore and neglect them, liberty, democracy, and civilization itself wither at the roots and perish.

4

There are two aspects of liberty so vitally related to the effectualness of citizenship and to the welfare of democracy that they call for particular notice. One of these is freedom of speech, including all forms of mechanical expression, and the other is freedom of religion. The concept of free speech incorporated in our fundamental law¹¹ is the product of a long struggle that reaches back to the Greek and Roman worlds. The modern phase of the struggle began with the revival of learning in the fourteenth century, following the recovery of classic literature from long-neglected and forgotten repositories, and it has continued almost unabated. During the seventeenth century English concern for freedom of speech was so great that thirty thousand documents on the subject, in the form of political newspapers, pamphlets, and books still survive from the writings that were produced.¹² Two of these documents in particular, Milton's *Areopagitica* and Locke's *Essay on Human Understanding*,¹³ profoundly influenced the founders of our republic. Many American leaders of the period of the Revolution knew these works at first hand, while hundreds of thousands of the common people had absorbed their

¹⁰ Herbert Agar, "The Truth Is Good News," *Harper's Magazine*, May 1942, p. 561.

¹¹ First Amendment to the Constitution.

¹² See C. Ellis Stevens, *Sources of the Constitution of the United States*, p. 220. These documents are in the possession of the British Museum.

¹³ *Areopagitica* published in 1644; *Essay on Human Understanding* published in 1690.

CITIZENSHIP AND THE NEW DAY

leading ideas filtered through the popular writings of Thomas Paine.¹⁴

The grounds upon which English libertarians made their long fight for freedom of speech and the press were definite and positive and it is in the light of these that our constitutional guarantee must be construed. One of these grounds was the need and therefore the right of the individual, simply as a human being, to express himself as a function of his membership in society and so to preserve his identity. Another was the need of free expression and interchange of thought in the interest of knowledge and social progress. Another was the need of the individual as a citizen to discuss with other citizens the conduct of the state, to discuss his own institutions and the means of improving them, his own representatives and their fitness to hold public office, and the measures proposed in the interest of the common good.

Freedom in all these fields has been wonderfully fertile in American life. Americans, as no other people, have swept aside arbitrary restrictions and hampering conventions and have freely expressed their convictions and their faith. Neither veneration for what is old nor fear of what is new has been able to stifle criticism and free discussion. All that is constructive in American achievement, all that has meant progress and social betterment, is related to this characteristic freedom of expression. The picture however, is not wholly pleasing. Its splendor necessarily appears against a background of shadow, because in its very nature freedom of expression implies the possibility of abuse.

Three forms of that abuse, in particular, present to the democratic community problems that are exceedingly difficult of solution, because, as John Marshall once said: "The abuse of free speech must be regarded as an evil inseparable from the good with which it is allied, a calamity incident to the nature of liberty, a shoot that cannot be stripped from the stalk without vitally wounding the plant from which it is torn."¹⁵ One of these abuses is the use of free speech to invade the reserves of private life; the failure of the newspapers and the public itself to distinguish between news and gossip; the exploitation of the popular craving for sensation instead of education; the printing of vice in large type and virtue in small type or not printing it at all; the practice of hailing unproved charges and the treatment of accusation as conviction; even the willingness to

¹⁴ Beard, *The Rise of American Civilization*, I, 183, 257, 260.

¹⁵ Albert J. Beveridge, *Life of John Marshall*, I, ii, 329.

LIBERTY AND RESPONSIBILITY

assassinate individual reputation and, directly or indirectly, to incite people to crime. Another abuse that represents a growing menace to the democratic process is the use of free speech in the form of propaganda¹⁶ to stifle independent thinking and intelligence; to create prejudice; to release emotions; to confuse public opinion in order to secure legislation that promotes selfish private interests at the expense of the public interest; or to defeat really enlightened and progressive measures which threaten to interfere with those interests. Still another of these abuses is the use of free speech and all the freedoms that democracy represents, for the subversion of democracy itself.

That these abuses of free speech represent grave perils for democracy we can no longer doubt, because in our own day we have had new demonstrations of the fact that great masses of people, even great nations, as a result of wrong ideas and social concepts, may slump back into the darkness. Safety, however, does not lie in censorship and sedition laws,¹⁷ but in a proper understanding of democratic ideals, in the realization that these ideals stand for an abiding faith in intelligence, character, courage, and the divine touch in people, that they look forward to new horizons of individual and social betterment within scope of which the failures and unsolved problems of society can be corrected if we have the will, the intelligence, and the courage to face them.

The primary need, therefore, to conserve the democratic way is not the adoption of new measures of repression and new master plans of government to control individual action, but in a deepened sense of responsibility; the discovery of new educational values and ways to turn the minds of people against the new processes of poisoning mass thinking; the better use of education to develop a preponderant citizen body able to understand and to maintain the fine balance that links the future with the past, whose faith is in people more than in systems, and who therefore provide the necessary counterpoise against subversive ideas and systems.

Though in wartime the abuses of free speech present particular

¹⁶ It is obviously a matter of the greatest moment to distinguish between special pleading and the educational effort that seeks to give impartial and unprejudiced information. Clarity of thinking is maintained by using the word "propaganda" to designate the first of these practices and the word "publicity" to designate the second.

¹⁷ The first sedition laws enacted under the Federal Constitution of 1798 aroused great popular indignation. In the course of two years the Federalist party, which was responsible for the enactment of the laws, was swept out of power and ultimately out of existence. The drastic lesson for more than a century was a powerful restraining force against the repetition of such legislation.

CITIZENSHIP AND THE NEW DAY

perils, it is evident that suppression is not the right way to deal with these perils, because the freedoms of democracy can be maintained only by their daily use. The effort to suspend these freedoms by coercion may easily result in the loss of them.¹⁸ Handcuffs and prisons may be necessary in dealing with overt conspiracy and with the active revolutionary propaganda of enemy agents, but adverse criticism should be answered and not suppressed. The actions and policies of government which evoke criticism should be explained, and the public should be trusted to decide the issues at stake. For government to pursue any other course necessarily presents a threat to the basic principle of democracy itself.

5

Freedom of speech and freedom of religion are inseparable. Each includes the other. Both were involved in the long struggle for freedom of expression, and both are basic rights of free society and of free men.

Emigration for the settlement and development of colonial America was greatly assisted by religious intolerance and persecutions in Europe, but it was not freedom for all forms of religious belief or for dissenters from every form that these early colonial religionists sought. In general, it was freedom for their own beliefs and forms, and not infrequently their intolerance toward other religious groups and religious dissenters was just as relentless as the Old World intolerance from which they themselves had escaped.¹⁹

¹⁸ In 1918, during the First World War, the federal government enacted an espionage law that imposed a fine of not more than \$10,000 or imprisonment for not more than 20 years or both in case of conviction for willfully causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States or willfully obstructing the recruiting or enlisting services of the United States. Following this action forty-four states enacted similar laws, some of which were more drastic than the federal law. There were many convictions under these laws, some of which violated the principle long recognized by the Supreme Court of the United States, viz., that expression of opinion is punishable only when it constitutes a clear and present danger to the state. Thus in the Schaefer case (*Schaefer v. U.S.*, 251 U.S. 466, 1919), Justice Brandeis, dissenting from the majority decision, declared that the jury which had found Schaefer guilty must have supposed that it was within their province to condemn men not only for a disloyal act but for a disloyal heart.

The Federal Alien Registration Act of 1940 is to all intents and purposes a re-enactment of the discredited Espionage Act of 1918. It is criticized on two grounds: (1) that it has the character of an ex post facto law, since it makes no allowance for repentance and reformation; and (2) that it applies to aliens only and makes a criminal act of things that are considered legitimate when done by native Americans.

¹⁹ The great American myth, that the colonies were founded for the sake of religious liberty, has been thoroughly discredited by modern historians. In only one colony, Rhode Island, did the myth completely fit the facts; and the founders of "Little Rhody"

LIBERTY AND RESPONSIBILITY

By the close of the war for independence the conception of religious freedom had broadened. The long struggle for independence had created new bonds of sympathy; the example of Rhode Island had taught a salient lesson; the futility of religious persecution was widely recognized; the spirit of tolerance for the moment was everywhere ascendant. Thus when the time came for the adoption of the Federal Constitution the people generally were ready for the establishment of religious freedom as a civil right. The framers of the Constitution, however, were not very explicit. They provided merely that "no religious test shall ever be required as a qualification to any office or public trust under the United States,"²⁰ but to the people that was not enough. The states were of one mind in demanding a more positive guarantee. Therefore, when the Bill of Rights was added to the Constitution, the first provision was that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."²¹

This constitutional guarantee of religious freedom as a civil right of the citizen is more than a guarantee of tolerance by the state in the sense that there should be no religious establishments, discriminations, or compulsions by the state. It means religious freedom in the broader sense of the right of individuals and groups to worship in their own way; to express their religious beliefs; to preach and teach according to their convictions; to explore the invisibles of human welfare and to bear witness to the disciplines of mind and spirit by which man achieves a true humanity. And it means equally the right of dissent from the recognized forms and systems of religious beliefs, and the right to eschew affiliation with any church or religious group without civil penalty or disability.

Without question the positive and constructive use of religious freedom has produced splendid fruits in the form of personal, social, and democratic gains, but these are less impressive than they might have been because the use of religious freedom, just as in the case of all the freedoms, has not always been entirely responsible in the sense that due regard for the religious rights of others, or for a reasonable interpretation of public order, or for generally accepted moral standards often have been wanting. In the sphere of religious organization this extreme and more or less irresponsible use of religious freedom

led thither not to escape from religious tyranny in England but to escape from persecution by their fellow colonists in Massachusetts.—*American Faith*, p. 83.

²⁰ Federal Constitution, Art. VI, Clause 3.

²¹ First Amendment to the Constitution.

CITIZENSHIP AND THE NEW DAY

has taken the form of factionalism, with the consequent rise of a multiplicity of religious sects. Familiar examples are the religious groups which stress antiquated and impossible beliefs; views of nature and interpretations of history that contradict the findings of science; views of God and man repellent to educated minds; ritualistic forms barren of spiritual content; emotional experience that permits great license of conduct; an otherworldliness that looks to a life beyond but fails to grasp the significance of religious values for this life and for the betterment of this world. On lower levels, religious factionalism has taken forms that are essentially aberrations, and therefore present a threat to individual welfare and to normal social life.²²

Since religious freedom figures in the legal framework of our democracy as a civil right and since the proper emphasis of basic religious values has such vital significance for the building of a democratic society, the responsible use of that freedom, just as the responsible use of free speech or any of the freedoms guaranteed by the Bill of Rights, necessarily must be a matter of genuine citizen concern. The separation of church and state is a sound principle, but one that is easily misunderstood. It can mean only that the church as the institution of religion and government as the institution of the state are mutually free and that neither may rightfully control the other. But obviously it does not mean that the functions of either are irrelevant to the functions of the other; that church and state, being mutually free, may not co-operate for democratic ends; nor that the people who constitute the state, the citizenry, are exempt from the moral insights and the moral laws which set the bounds of right and justice for communities, societies, and nations as well as for individuals.

Thus the Virginia Bill of Rights of 1776, with genuine insight, emphasized "Christian forbearance, love and charity toward each other," as essential claims of worthy citizenship. It is a fair question, however, whether these claims do not reach further. Since the responsible use of religious freedom enters into the very making of the democratic state, undergirds and sustains it, and in fact constitutes its very substance, is it not incumbent upon the people who make up the state, not only as religionists but also as citizens, to safeguard religious freedom from the extremes and the misuses which confuse

²² Examples of these aberrations are the inculcation of beliefs, supported by biblical prophecies, that encourage polygamy, violate the principles of scientific medicine, discourage patriotism, and tend to create opposition to the claims of good citizenship.

LIBERTY AND RESPONSIBILITY

religious values, weaken religious testimony and rob it of significance as a vitalizing force of democracy? Naturally the answer to the question does not lie in the adoption of new compulsions, but in the development of a new sense of citizen responsibility by means of an educational program that puts religious values in their proper relation to all the other values of democratic education.

6

A clarifying and convincing statement of the relationship of liberty and responsibility is the admonition of the Hebrew prophet Isaiah to the people of his generation: "Lengthen thy cords, and strengthen thy stakes." ²³ In other words, liberty and responsibility are co-ordinate; they cannot safely be separated; the emphasis of either at the expense of the other invites disaster. The figure employed is the process of pitching a tent and the familiar fact that the length of the ropes which support the tent must be proportioned to the strength of the stakes that hold the ropes, since otherwise the stakes would loosen, the ropes would become slack, and the tent would fall. In other words, the extensions of freedom call for a proportionate sense of responsibility and self-restraint.

Democracy by its very nature means the relaxation of external coercions and the extension of individual freedom in every sphere. The century and a half that began with the American Revolution of 1775 and witnessed the French Revolution of 1789, the English Reform Bill of 1832, the Latin-American Revolution of the Bolivarian era, the German Revolution of 1848, and the Russian Revolution of 1917 will stand out in history as the period above all others when external authorities of every kind were challenged, when the ropes of freedom were lengthened, when the abrogation of external restraints was visioned, when movements toward unfettered freedom gathered impetus and power. As visioned by John Hay in his poem "Liberty":

So all in vain will timorous ones essay
To set the metes and bounds of Liberty.
For Freedom is its own eternal law;
.
.
.
Forever in thine eyes, O Liberty,
Shines that high light whereby the world is saved,
And though thou slay us, we will trust in thee! ²⁴

²³ Isa. 54:2.

²⁴ Used by permission of, and arrangement with, Houghton Mifflin Company, the authorized publishers.

CITIZENSHIP AND THE NEW DAY

However, the movements of democratic life for a century and a half, the excesses and losses which have accompanied democratic freedom, now serve to re-emphasize with a pertinence that cannot be escaped the old but easily forgotten principle that everywhere and always the extensions of individual, social, and political freedom call for a deepened sense of responsibility. The two are linked together in counterbalance; therefore, each is necessary to the other.

In one form or another this principle enters into all human associations. The family, which is the most fundamental of our social institutions, is based upon it. The normal relations of parents and children necessarily imply it. If each member of the family lost sight of his responsibilities and did exactly as he pleased a wholesome family life could not possibly exist. On a wider scale the state, even in its most enlightened forms, through its institutions and laws must impose limits upon the liberty of individuals and hold them responsible for observing those limits. Otherwise ordered society could not exist, anarchy and chaos would prevail.

Thus one of the greatest problems of the democratic state is the development of a citizenry whose sense of responsibility is proportionate to their sense of liberty. As society becomes more complex and new and more difficult relationships are established, the freedoms that have been won at great price must not be sacrificed, but a new counterpoise of individual responsibility must be won. The two must exist in balance, and to achieve that balance is equally the problem of family, school, church, and government. In the measure that these social institutions function adequately a worthy democratic association will eventuate.

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Chapter VII

Equality of Rights

What we shall become in the future depends in the last analysis on what we want. If we want something fiercely enough, we shall get it. Our fathers wanted both liberty and equality. What do we want?
—WILLIAM F. RUSSELL

I am convinced that the welfare of mankind does not now depend upon the state, or in the world of politics; the real battle is being fought in the world of thought.
—WILLIAM E. GLADSTONE

The Industrial Plant has become the basic social unit of our generation. The fight for the control and organization of this central institution is at the core of the social crisis of our generation.
—PETER DRUCKER

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1. THE LOGICAL AND MATHEMATICAL CHARACTER OF EQUALITY
 2. THE EARLY EUROPEAN AND AMERICAN IDEALS OF EQUALITY
 3. THE EQUIVALENCE OF INDIVIDUALS AS UNITS IN DEMOCRATIC PROCESSES
 4. EQUALITY OF EDUCATIONAL OPPORTUNITY
 5. EQUALITY BEFORE THE LAW
 6. EQUALITY AS EQUALIZATION OF CHANCES
 7. THE ASSUMPTION THAT LIBERTY AND EQUALITY ARE CONTRADICTORY
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"WE HOLD these truths to be self-evident," says the Declaration of Independence: "that all men are created equal." "Fourscore and seven years ago," said Lincoln at Gettysburg, "our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure."

Neither the Constitution nor the Bill of Rights presents a formal guarantee of equality similar to the pledges in behalf of freedom of religion, of speech and the press, and of assembly.¹ Nevertheless, it is evident that equality in a definite and important sense is a pre-

¹ Equality before the law was formally guaranteed later by the Fourteenth Amendment of the Constitution.

supposition of the system of government outlined in the Constitution, and of the system of rights presented in the Constitution and its amendments. Furthermore, the history of a hundred and fifty years affords ample proof that Americans in every generation, though not always clear as to what equality means, have thought of it as being, in some important sense, an indispensable feature of our democratic faith.

What does equality, as visioned by the immortal Declaration and the Gettysburg speech of Lincoln, really mean? It is important that this question be clearly answered, that the meaning of equality be clarified in the light of science and experience because of an untenable conception of equality, the achievement of which is always illusory, may easily result in disillusionments and resentments productive of social discords and, it might well be, irreparable social loss.

1

The ideal of equality, so deeply entrenched in democratic faith, is definitely logical and mathematical in character and not a biological concept. The findings of biological and physiological knowledge effectually dispose of the idea that people, in spite of apparent differences, approximate to the same physical, mental, and moral stature, and therefore represent substantial equality. Says Edwin G. Conklin:

Nothing is more evident than the inequalities of personality, intelligence, usefulness, and influence; and the inequalities of heredity are greater even than those of environment. Recent work on development and evolution shows that the influence of environment is relatively slight, that of heredity overwhelming. Not only poets, but also scholars, statesmen, leaders, and laborers are born and not made.²

Aristocratic societies in recent years, as Conklin points out, have made much of these biological inequalities in order to justify the practice of rigid social stratifications. The fact is, however, that lines of descent from innumerable ancestors converge in all of us. The probabilities are that the blood not only of thousands but of millions of ancestors mingles in each one of us and without a shadow of doubt, if we could search out and identify these ancestors, we would discover that they include people of low estate as well as those of high estate, peasants as well as nobles, lawless people as well as

* "Biology and Democracy," *Scribner's Magazine*, April 1919, p. 410.

CITIZENSHIP AND THE NEW DAY

those of exalted character, dunces as well as people of intellectual force and intelligence, in short, an incredible mixture of all sorts and varieties of people. "Even allowing for numerous intermarriages," says Conklin, "it is highly probable that all people of English or French or German stock are descended from common ancestors of a thousand years ago."³ There is, therefore, little if any biological basis for the class and social superiorities and inferiorities so generally emphasized by aristocratic societies and so frequently imitated by individuals and groups in the democracies.

The growth of scientific knowledge, also, greatly modifies the *tabula rasa* theory of John Locke, a theory that was shared by various of Locke's contemporaries and continued to be debated by philosophers as late as the closing years of the nineteenth century. The theory, in effect, was that at birth the soul of man was a clean tablet, and that everything subsequently stamped thereon, his speech, his ideas, his sensibilities and conscience—were the result of the external influences to which the soul was subjected in later years.

In an essay entitled *Some Thoughts Concerning Education* he declared:

I think I may say that of all the men we meet with, nine parts of ten are what they are, good or evil, useful or not, by their education. It is that which makes the great difference in mankind. The little or almost insensible impressions on our tender infancies have very important and lasting consequences. . . . By this little direction given them at first at the source, they receive different tendencies and arrive at last at very remote and different places.⁴

The profound effects of education upon human life and character which Locke recognized—the modification of human traits, the heightening of human powers, the degree of self-mastery conferred, and the ability developed in the individual to shape his own destiny—represent an important contribution to human knowledge. It helped to center the attention of man upon the possibility of improving himself and his world through education. But the effects of education in equalizing the intellectual and moral attainments and powers of people are far less, as every experienced teacher of youth now knows, than Locke and many of his contemporaries evidently premised. The importance of sound education for the achievement of worthy individual character and for the development of whole-

³ *Ibid.*, p. 407.

⁴ P. 60.

EQUALITY OF RIGHTS

some and creative social life cannot be too strongly emphasized; but the postulate that the powers and capacities of people can be equalized through education, or that it is desirable to have them so equalized, has no support in the findings either of science or experience.

2

If we take account of the social, economic, and political conditions that obtained during the seventeenth and the greater part of the eighteenth century, and the profound change that gradually occurred in the thinking of people in regard to these conditions, it is a safe inference that Jefferson and his associates who wrote the Declaration of Independence, and other Americans and Europeans who shared the progressive thinking of the time, did not conceive equality in abstract terms as the correspondence of individual attributes, capacities, powers, and possibilities. They thought of it rather as a proper, proportionate, natural, and just sharing of rights under government, before the law, in social benefits and economic opportunities. Christianity had already familiarized the minds of people with the concept of a world where all would be free, all would be brothers, and all would be equal in the sense that all would be happy, and the fondest desires of all would be realized. However, this beautiful world of Christian teaching was presented only as a future prospect beyond the grave. It was to be the reward of Christian believers who patiently endured the miseries and inequalities of earth and whose faith triumphantly bridged the chasm of death.

Fortunately a few exceptional men, beginning with Lord Bacon (1561-1626) and including such notable thinkers as Descartes (1596-1650), John Locke (1632-1704), Montesquieu (1689-1755), Voltaire (1694-1778), Helvetius (1715-71), and Rousseau (1712-78) began to ask questions about the origin of man, why he was here on earth, how he developed, whether he really possessed the power to shape his own life and destiny or whether these were predetermined for him. In particular, they asked questions in regard to man's relations to government and to law and in regard to the political and social inequalities that were everywhere in evidence, the hard lot and unwholesome living standards of the many in contrast to the surfeit of food, clothing, material comforts, and pleasures of the few. Why should a few privileged people be permitted to hunt at will over the fields of the peasants and ruin their crops without recompense? Why should a peasant be punished for killing a grouse even on the

CITIZENSHIP AND THE NEW DAY

plot of land that he himself cultivated? Why should heavy burdens of taxation be imposed upon the poor and struggling masses to maintain the extravagances of a comparatively small ruling class? Why should people be arrested and compelled to suffer imprisonment merely for expressing their thoughts? Why should even the bare necessities of living be under strict governmental control so that a rich profit could be made from their sale? Their answers to these queries were not in terms of political abstractions, each to be carefully balanced against the other, but in terms of common-sense equities that should be determined by the actualities and requirements of human experience.

Jefferson and his associates and other progressive Americans of the period were impregnated with the humanitarian thinking of these European leaders, and in consequence they had conceived the view that government was man-created and -developed, and not a mysterious and unchangeable institution imposed upon humanity by a supreme and supernatural power. When they said "We hold these truths to be self-evident: that all men are created equal," they were thinking not in theoretical but in practical terms. They had in mind the creation and the setting up of a new form of government in America based upon the political, social, and economic humanitarianism by which they had been inspired through contact with the master European thinkers of the seventeenth and eighteen centuries. At the moment the Declaration was promulgated its authors had no definite conception of the actual framework of the proposed new government. They were thinking in broad general terms which implied that this new government would be an agency of the people as a whole, that the people on some basis of equality would share in the direction of it, and that its benefits would be equally distributed and shared in ways that would be determined by practical and common-sense considerations.

3

Coming to particulars, it may be observed that in certain important respects the concept of democracy clearly postulates an ideal of equality that must be recognized and safeguarded in practice, else the profession of democracy can only be a pretense that shelters tyranny and injustice.

One of these particulars is the concept of the individual citizen as the unit of reckoning in determining political policy and in the exercise of political control. This concept implies that in the pro-

EQUALITY OF RIGHTS

cedures of the state each unit be regarded as precisely equivalent and as exactly on a par. Differences of property possession, of intellectual attainments, of personal attractiveness and appeal, or any other differences of personality or attainment, just like differences of height, weight, shape, form, or color, must be treated, in the political processes of the democratic state, as basically irrelevant. Citizenship as determined by the fundamental law must be regarded as a generic concept. Individuals in their countless variety of qualities and attainments must not count as such in the policy of the state. In the words of Professor Swabey:

The state is interested in the citizen as he shares the common nature of citizenship. In so far as he claims peculiarities as a person unlike other persons it tends to ignore him. In this sense, the democratic state while maintaining the integrity and distinctness of individuals denies their privileged uniqueness recognizing, as does science, that its classifications and laws hold of beings fundamentally assumed alike.⁵

The process of elections is the most obvious and perhaps the most important example of the use of the scientific method in the functioning of democracy, since it is evident that the validity of the process depends entirely upon the maintenance of the equivalence of the elective units. Should this equivalence in any way be impaired so that in the reckoning of results the votes of some citizens would count for more than the votes of other citizens, it would mean that an arbitrary principle had been admitted into the democratic process, and to that extent the concept of democracy had been violated.

Moreover, it is obvious that the maintenance of the equality of elective units involves not merely the counting of all votes as equal in determining results, but also the insurance of freedom from duress in their choice of candidates and equal opportunity in casting their ballots. Otherwise the integrity of the voting process is impaired. Measures that have been put into operation to protect voters from the physical violence that, not so many years ago, was common at polling booths and the adoption of voting systems calculated to guar-

⁵ *Theory of the Democratic State*, p. 18. In an exceedingly illuminating chapter entitled "The Quantitative Argument," Professor Swabey calls attention to the fact that the rise of democracy in both the ancient and the modern world coincides with the awakening of a new scientific interest and the scientific developments that followed. The inference from this remarkable fact—in effect, that democratic methods and processes are rooted in scientific theory—seems entirely logical. Just as in every sphere of knowledge, democracy within its sphere must operate on the basis of reckonable data and quantitative methods.

CITIZENSHIP AND THE NEW DAY

antee secrecy⁶ to voters in marking their ballots, and thus to safeguard them against forms of compulsion that once were prevalent, are evidence that the American public has not been insensible of the importance of maintaining the principle of equality in the particular sense here indicated. Unfortunately, this sensitiveness has not been great enough or sufficiently discriminating to take account of the rights of Negro voters or to provide any effective measures to protect those rights. Thus in 1940, prior to the fall election, an exceedingly atrocious episode occurred in a small southern community. Two Negro men, one a minister and the other a reputable member of the Negro section of the community, were taken from their beds in the middle of the night by a group of white men and, clad only in their nether garments, were conducted to the county line and given orders "to clear out" and never to return. A week or more later, a young Negro man was taken from his home during the night and escorted a little distance out of the town and shot, and his body thrown into a creek. A few months later an investigator was sent out by the University of North Carolina with instructions to study southern Negro life in all its phases. Learning about the violence committed against these Negroes, he went to the scene of its occurrence in order to find out the cause. The following is an account of the episode as it was given to this investigator by one of the Negro leaders of the town. Apparently some kind of Negro lodge had been organized, the purpose of which was to create political interest among the Negroes and to encourage them to assert their political rights.

"When we got organized good we started agitating for voting. We ain't never voted here, in no kind a 'lection, they tell me, since eighty-four. So five of us was picked to go up to the courthouse to see about it. They knew we was coming. Yeah. Tilson Huett had told them.

"When we went on up they was ready for us. Bcfore we could open our mouths to say boo Mr. Reid [apparently the sheriff, spokesman for the group of white men gathered in the courthouse] said, 'You men might's well save your breath. The answer's no. We don't never 'tend to let niggers vote in this county. I'll tell you boys, 'fore we do that, we'll wade in blood.' That's what he told us.

⁶ The two systems of voting that have proved most effective in guaranteeing secrecy to the voter are the private polling booth, into which the voter retires to mark his ballot, and the voting machine. The first of these is the system more generally in use, although it is now certain that local politicians have discovered ways by which to a limited extent they can invade the privacy of the polling booth and find out how the voter has cast his vote. So far only a few cities have adopted the voting machine. For a discussion of the merits of the two systems see James T. Young, *The New American Government and Its Work* (3rd ed.), pp. 473-78.

EQUALITY OF RIGHTS

"We told him we didn't want to vote for mayor an' sheriff, just President, an' he said colored couldn't even vote for that, not in this county. 'Smoke this in your pipe,' he said. 'I know niggers. I been knowing niggers all my life, an' if we give you a inch you want a mile. If we let you vote in the President election you'd want to vote in every other kind election.' . . .

"Well, we argid back an' forth an hour or more, an' when we left we wasn't no more scared than we was when we went in. In fact, we wasn't as much. We knew the ropes when we come out of there, and we didn't know 'em before." ⁷

The statement that when the delegation of Negroes left the courthouse they were no more scared than when they went in is significant because it evidently meant that the Negroes continued their agitation to be allowed to exercise their right to vote in the approaching presidential election. The result was the swift and terrible retribution that followed. The two Negroes who were driven out of the community were leading officers in the new Negro lodge and they were also leading members of the committee of five who had gone to the courthouse. The young Negro who was murdered had been guilty of denouncing, at a church meeting, the treatment accorded to his minister and to a fellow church member.

By various methods of intimidation, coupled with the unblushing chicanery of such legislative measures as the Mississippi literacy test and the "reasonable interpretation" alternative of 1890; the Louisiana "grandfather clause" of 1898; and the provisions of other states requiring prospective voters to produce their poll-tax receipts, or to submit proof that they had never been convicted of any offense, even petty theft,⁸ the voting rights of Negroes, guaranteed by the Fourteenth Amendment, in a dozen or more states for more than half a century generally have been invalidated. This obviously is a breakdown of our ideal of equality that reflects upon the entire nation, and all the more so because the framers of the amendment, foreseeing that the white population of the South might attempt to exclude Negro citizens from voting, included a provision that, courageously applied, would correct such abuse.⁹ Since equality of

⁷ J. Saunders Redding, "The Mobbing," *Harper's Magazine*, July 1942, pp. 190-91.

A full account of this amazing episode, written by the investigator sent by the University of North Carolina Press, is given in this article.

⁸ See Munro, *The Government of the United States*, pp. 112-16.

⁹ See the Fourteenth Amendment for full text of the provision. Naturally the Fourteenth Amendment must now be supplemented by the provision of the Nineteenth extending the suffrage to women.

CITIZENSHIP AND THE NEW DAY

political status and rights is a basic implication of the democratic concept as well as of our system of government, it is clearly a pressing duty, as we come to a new great day for American democracy, for us to assume the task, by the use of every necessary means, of making the principle of equality effective and respected in all our political behavior.

4

Another postulate of democracy that necessarily goes hand in hand with the concept of individuals as equal units of the state, sharing equally in the control of the state, is equality of educational opportunity. When people are basely ignorant, no government is possible other than authoritarianism. "A popular government," as Madison once wrote to a friend, "without popular information or the means of acquiring it, is but a prologue to a farce, or a tragedy, or both."¹⁰ Therefore, a people who propose to govern themselves cannot leave education to whim or to chance; it must be a matter of general and fundamental concern; it must be of a character to free their minds, to unshackle their faculties, to give them understanding of essential democratic values and capacity to express those values in their private lives, their social relationships and activities, their institutions, their political policies, methods, modes, and forms. Opportunity for such education must be provided in an equal measure for all because knowledge always outweighs ignorance. When a society is made up of an educated few and an ignorant many, conditions at variance with the democratic ideal inevitably arise. Social understanding and balance are lost, class dominance develops, some are subjected to the selfish ambitions of others, tyranny and dictatorship in numberless forms becomes prevalent.

The rights of equal educational opportunity was not a part of the original American theory of democracy. Says James Truslow Adams:

Even in New England, where opportunities for free education of the very young had been greater than elsewhere, the laws were much better and more liberal than was the actual practice. Chiefly on account of taxation, the rich almost everywhere opposed free education, and the movement developed from the working class. The American system of education is one of the fruits of the practical working of the American dream. In 1830 a workingmen's meeting in Philadelphia unanimously resolved that "there can be no real liberty without a wide diffusion of real intelli-

¹⁰ Letter to N. T. Barry in 1822, *Works of James Madison*, III, 276-81.

EQUALITY OF RIGHTS

gence . . . that until means of equal instruction shall be equally secured to all, liberty is but an unmeaning word, and equality an empty shadow." ¹¹

In 1834 Horace Mann came forward with his strong faith that all men should become sensitive to democratic values, and strove incessantly to achieve a system of public education that would serve that end. His death in 1859 occurred before his ideal had won through to a decisive victory, but it was not lost, and the famous Kalamazoo decision by the Supreme Court of Michigan in 1872, fully establishing the right of the public to support secondary education, opened the way for the great educational developments that have followed.¹² But in spite of the successful extension of public education as envisioned by Horace Mann and the incalculable benefits that accrue therefrom to the nation as well as to millions of individuals, it is becoming increasingly evident that our education is still in a formative stage, that so far only a beginning has been made.

Of the many educational problems now awaiting solution none is more pressing than the equalization of educational opportunity. The chief hindrances at this point lie in unequal material resources as between different sections, states, and communities; the lack of an adequate national policy to equalize educational funds throughout the nation by a system of subsidies; the backwardness and the prejudices which exist in many states, particularly in counties and local communities. Happily the movement for state equalization of educational opportunity through state financing of a recognized minimum program is now well on the way, and increasing national subsidization of special types of education gives promise that a consistent national policy looking toward the equalization of general education is now in the making.¹³

¹¹ *The Epic of America*, pp. 195-96. Used by permission of Little, Brown & Co. and the Atlantic Monthly Press.

¹² The continuing faith of Americans in education is shown by these suggestive facts. Since 1922 the enrollment in secondary schools has increased at the rate of about one million in every five years, the aggregate enrollment in colleges, technical schools, and universities has more than doubled. The expenditures for educational purposes has increased at the rate of about fourteen million dollars a year.

¹³ The first federal grant for special education and also the first appearance of the plan requiring the state to match federal funds came with the Marine School Act of 1911. This was followed by the Smith Lever Act of 1914 and the Smith-Hughes Act of 1917 granting federal aid to stimulate agriculture and home economics; the Civilian Vocational Rehabilitation Acts of 1920, 1924, 1930, and the George Reed Act of 1929 giving direct aid to vocational education. In July 1942 the first U.S. college scholarships were established as a war measure to train manpower in certain critical fields, such as engineering, physics, chemistry, dentistry, medicine, and pharmacy. Congress ap-

CITIZENSHIP AND THE NEW DAY

Racial prejudice in many sections and communities also constitutes a barrier to equalization of educational opportunities. Here, just as in so many respects, the Negro is the worst sufferer. Segregation, with separate schools for Negro children and white children, is enforced in seventeen states; in addition, four other states give discretionary powers to school boards to establish separate schools. In none of these states which enforce segregation does the financial support of Negro education on a per capita basis nearly equal the support of white education. In some of them, in fact, the support of white education ranges from five to ten times as much. Teachers in schools for whites are better prepared, the teaching load is much lighter, salaries are more adequate, the supervision of schools is more thorough, and in every other respect higher standards are maintained. Obviously these inequalities of educational opportunity are of concern to the whole nation as well as to the people of the states and sections where they are practiced.¹⁴

5

Another such postulate is equality of civil justice, in common parlance "equality before the law." In Anglo-Saxon usage the concept of "equality before the law" goes back to the Great Charter wrested from King John at Runnymede in 1215. "We will sell to no man, we will not deny or defer to any man either justice or right."¹⁵ When the period of American colonization began, four centuries after Runnymede, this ideal had become deeply entrenched in English thinking and the first English colonists brought it with them to the New World. When the war for independence occurred, the ideal of equal justice had taken such deep root in American culture that generally, beginning with Massachusetts, it was incorporated in a bill of rights attached to the constitutions of the new states. As other states in the course of time entered the federal union, the example of the original states in this respect, as in so many others, was followed, so that today nearly every state by express provision of a bill of rights guarantees equality of justice. And to the guarantee of the respective states the Fourteenth Amendment to the Constitution adds the authority of the supreme law of the land.

appropriated \$5,000,000 for these scholarships, Senate Bill 687, Calendar 831, reported June 18, 1943, proposes the creation of a permanent fund of \$200,000,000 to assist public school education in periods of emergency, and a permanent fund of \$100,000,000 to help equalize primary and secondary school education.

¹⁴ See *Black Justice* (published by the American Civil Liberties Union), pp. 14-17.

¹⁵ *Magna Charta*, chap. xxix, as translated in English statutes at large.

EQUALITY OF RIGHTS

Therefore, as a matter of American law, the right of equal justice stands inviolable, recognized and established by the highest possible authority. But as a matter of fact the administration of American justice is not impartial, the rich and poor, the intelligent and ignorant, in particular the poor and ignorant Negro, Oriental, or Southern European immigrant, do not stand on a basis of equality before the law. Our traditional method of providing justice is operating in ways to deny justice to millions of persons throughout the country. Said William Howard Taft in 1919: "Of all the questions which are before the American people, I regard no one more important than the improvement of the administration of Justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigation as the rich man, and under present conditions, ashamed as we may be of it, this is not the fact."¹⁶

It is evident, however, that the cause of this widespread failure to equalize justice lies not so much in the character of our law, particularly our substantive law, as in its administration. Justice is denied through delays, through court costs and fees, through expense of counsel, and through failure to make adequate provision for petty litigation in communities where there is a huge volume of such litigation which must be dealt with adequately if litigants are to be protected from gross injustice.¹⁷

That Americans are not wholly insensible to the fact that in practice our ideal of equal justice has broken down, that something must be done if our democratic faith at this point is to be conserved, is evidenced by the legal aid movement that is slowly developing throughout the nation, especially in the larger cities. The first experimenting in legal aid was done by a group of private individuals who organized the first legal aid society in New York City in 1846. Ten years later a second society was organized in Chicago. From these small beginnings the growth of the movement was so rapid that on March 8, 1926, at the national convention of all the legal aid societies of the nation, 169 such groups in as many different communities were reported and the records of these societies showed that,

¹⁶ Address before the Virginia Bar Association. Cited in *Justice for the Poor* (Carnegie Foundation publication for the advancement of teaching, 1919), pp. 3-4.

¹⁷ See Justice Miller, "The Difficulties of the Poor Man Accused of Crime," for discussion of causes that operate against the equalization of justice in the administration of law.— *The Annals of The American Academy of Political and Social Science*, March 1926, pp. 68-68.

CITIZENSHIP AND THE NEW DAY

during the half-century period, legal aid and assistance had been given to more than two million people.¹⁸

Up to 1926 legal aid work for the most part was privately conducted and supported and was largely pioneering in character, but as a result of this pioneering public confidence was developed and legal aid agencies began to be established by various municipalities, and even state governments became interested and began to provide small claims courts and the office of public defender, thus supplying in part through state agencies the service that private legal aid societies were designed to render.

This trend to establish publicly supported agencies to assist all worthy litigants, who, because of ignorance or lack of funds or other disabilities, are at a disadvantage in protecting their rights, should be encouraged because the problem of equalizing justice is too great to be handled by privately supported agencies. Speaking of the work of privately supported legal aid work, Chief Justice Taft said in 1926:

Without expressing a final personal conclusion of the subject, it seems to me that ultimately these instrumentalities will have to be made a part of the administration of justice and be paid for out of public funds. I think that we shall have to come, and ought to come, to the creation in every criminal court, of the office of public defender, and that he should be paid out of the treasury of the county or the state. I think, too, there should be a department in every large city, and probably in the state, which shall be sufficiently equipped to offer legal advice and legal service in suits and defenses in all civil cases, but especially in small claims courts, in courts of domestic relations, and in other forums of the plain people.¹⁹

6

To equal political status, equal educational opportunity, equal civil justice as inalienable rights of the citizen must be added the concept of fair play for all in the sense of no special privilege in the struggle for economic competence and security. What does fair play in the economic struggle mean, and how can it be accorded to all? Most certainly it does not mean, as proponents of economic revolution have maintained, that work should be equal or that there

¹⁸ See Reginald Herbert Smith, "Introduction to Legal Aid Work," *The Annals* . . . , March 1926, pp. 1-6. At the time of the convention only seventy-six of the societies were active, but all had rendered substantial service.

¹⁹ *Ibid.*, p. 5.

EQUALITY OF RIGHTS

should be equal pay for unequal work, or an equal distribution of the profits of industry; or the forcible leveling of men to a uniform condition, a dead level of subsistence, irrespective of their capabilities and the services rendered. Such notions of equality in the economic struggle do not and never can satisfy the enlightened judgment. Nevertheless, it is certain that the ideal of equality must have some proper expression in economic activity because it is unthinkable that the economic life of a democratic people can be segregated in a way to exclude a fundamental democratic principle that is recognized in every other sphere. Clarity of thought at this point is imperative because it is becoming ever more certain that accompanying the political world upheaval of today, and in part responsible for it, is a growing demand of the struggling masses everywhere for drastic economic readjustments. The penalty of failure in America to heed this demand and to face it squarely might well prove to be a tragic mistake.²⁰

Under a system of free life and free enterprise, and in view of necessary inequalities of work and inequalities in the capabilities of workers, equality in the economic struggle should mean at least a removal of handicaps arbitrarily imposed; an equalization of chances; a fair field and no favors. Industrial arrangements should be adequate to protect individual workers against arbitrary discriminations in hirings, layoffs, promotions, and discharges; to ensure a wage that is in proportion to the service rendered and that represents a fair share of the income; to safeguard workers against unavoidable indefinite idleness; to dispense with the master-servant idea of employer-employee relationships and to put those relationships on a basis of comradeship of effort that conserves the dignity of workers by allowing them freedom to criticize the conditions under which they work, to suggest improvements, and so to put to use any particular knowledge or creativeness that they chance to possess—relationships, in other words, that spell ungrudging and "all out" fair play. In a Pennsylvania steel mill, Bert, a skilled worker, had learned never to run a roll against the grain; but this had not been learned by his foreman. Therefore, when ordered to run the roll the wrong way, Bert tried to set the foreman right but received only a reprimand for his trouble. And when the roll broke, because it was reversed, Bert was laid off for two weeks without pay as a penalty for the blunder.²¹ The episode illustrates an attitude of

²⁰ See Hermann Rauschnig, *The Redemption of Democracy*, p. 203.

²¹ See Golden and Ruthenberg, *The Dynamics of Industrial Democracy*, p. 12.

CITIZENSHIP AND THE NEW DAY

industrial management, by no means uncommon, that assumes the inferiority of the common worker; deprives him of the chance to use his knowledge and experience; violates his sense of human dignity and responsibility; and thereby denies the basic principles upon which equality in any proper sense can exist.

Furthermore, it seems plausible that under a well-articulated system of free enterprise there should be no preferments except upon the basis of merit, that merit should always count and its rewards be equally accessible to all. Preferment on the basis of merit, assuming equalization of educational opportunity, is entirely consonant with the democratic principle of equality, because it provides an open door for each individual to find his own level and proper medium of self-expression.

It is, however, open to question whether the sharp division between management and labor that is characteristic of industrial arrangements, and that opens the way to perpetual conflict between their respective interests, is at bottom consonant with the democratic principle of equality. As these arrangements now exist—the great corporations and corporate management, on the one hand, and the great mass of laborers, on the other—labor unionism is logical and inevitable. Laborers as individuals cannot possibly assert their rights against the concentration of power that management represents. Their only chance of achieving a status that conserves even a modicum of dignity and self-respect is to unite and to fuse their individual strengths into group power and to bargain²² as a group. Naturally the process of fusing and unionizing has been accompanied by grave and unnecessary abuse. But in spite of such abuse it is evident that labor unionism, by reason of collective bargaining, written agreements, and the restraints upon all parties imposed by such agreements, has contributed immensely to fair play in the sphere of industrial life.

Nevertheless, harmonization of interest as yet has not been secured. The best efforts of which government, in its role of umpire and protector of the public interest, has proved capable have not sufficed to resolve this tension. The rather meager success, if not the failure, of mediation raises the question whether the sharp division of interest between corporate management, on the one side, and

²² At this writing the evidence of extensive racketeering by labor unions in connection with production is indisputable. The facts show, however, that the constructive efforts of government to eliminate racketeering through the building up of positive case law is receiving full co-operation from both the responsible union leaders and a large majority of the membership.

EQUALITY OF RIGHTS

organized labor, on the other, is not at bottom a contradiction of democratic principles that cannot be resolved, but at best only temporarily compromised by the mediating process.²³

Possibly, as Peter Drucker suggests, the proper way and the only way consistent with democratic idealism to relieve industrial strife is to eliminate the division of interest between corporate management and organized labor within the industrial plant. That does not mean that technical or business decisions should be made by workers' committees any more than by stockholders' meetings, but that management should be stripped of its arbitrary powers and made responsible to a directorate representative of all the interests that center in the plant. The whole answer to the question of peace and effective co-operation in production enterprise does not lie only in the responsibility of management to labor. Equally important is the responsibility of labor,²⁴ and in a democratic society the best prospect of securing that responsibility is through industrial arrangements that properly represent labor and are in response to labor's legitimate interests and needs. That means democratizing the industrial plant, a process that implies action by government, not merely as policeman or even as arbiter, but chiefly as educator. Such action, necessarily, could result only from an intelligent and discriminating public opinion and perhaps the weakest link in the whole movement today to establish conditions of equity and fair play in the sphere of industry is the vast confusion of the public mind.

7

The view has been expressed in various responsible quarters that in practice the ideal of equality contradicts the ideal of liberty. In the words of William F. Russell:

Liberty and equality sound well together. They grace as an inscription many buildings in France. Lincoln coupled the two ideas in the Gettysburg address. But they have never liked each other. Liberty and equality have always been locked in a struggle of life and death. Voltaire was caustic in his comments on Helvetius and Rousseau. Turgot ridiculed

²³ Four American workers, two A.F.L. and two C.I.O. representatives, on a recent visit to Great Britain to study conditions of industrial workers reported to the British press that labor-management relations in Britain are on a more concrete basis than in America, that labor is more generally recognized and more fully established.

²⁴ See Peter F. Drucker, "The Future of the Corporation," *Harper's Magazine*, November 1942, pp. 644-51. Under such an arrangement as Drucker suggests it would be necessary to make the labor union equally responsible with the corporation under the law.

CITIZENSHIP AND THE NEW DAY

Holback's ideas, Hamilton, the exponent of liberty, and Jefferson, the advocate of equality, fought all their lives. . . . If we were to paint the canvas with broad swift strokes, I should say that the equalitarians drafted the Declaration of Independence and the Ordinance of 1785; the liberals drafted the Constitution and held the power until the time of Andrew Jackson. . . . The Technocrats, the latest group of equalitarians, say that they can save our society; that they can give everybody equal treatment, provide everybody, not with a happy hunting ground, "not with forty acres and a mule," but with everything that \$20,000 a year will buy. . . . "And there will be no liberty, either," say the liberals. This is the social order they are trying to establish in Russia, Italy and Germany.²⁵

It is evident that in practice the ideals of liberty and equality present basic dilemmas that must be reconciled, but the notion that they are inherently contradictory would seem to rest upon a misconception of both, because in fact both are social concepts and as such neither can be regarded as absolute. As expressed by T. H. Green, "the foundation of all individual rights is the capacity to exercise those rights. These rights become actual only when society secures to individuals the power of acting according to their capacity."²⁶ Manifestly the presupposition of individual rights is that each shall be exercised with respect to the others and within limits that do not infringe upon the others. It is unthinkable that society should secure power to its individual members to exercise rights that are mutually destructive because that would mean the destruction of society itself. The secret, therefore, of reconciling liberty and equality is a better understanding of the limits of each, a proper realization of the fact that the emphasis of either at the expense of the other brings discord and, it may well be, disruption and irreparable social loss.

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²⁵ *Liberty vs. Equality* (New York: The Macmillan Co., 1936), pp. 10-13. Used by permission of the author.

²⁶ *Political Obligation*, p. 156.

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Chapter VIII

Fraternalism and Citizen Motivation

The crest and crowning of all good,
Life's final star is Brotherhood;
For it will bring again to Earth
Her long-lost Poesy and Mirth,
Will send new light on every face,
A kingly power upon the race,
And till it comes, we men are slaves,
And travel downward to the dust of graves.

Come, clear the way then, clear the way:
Blind creeds and kings have had their day.
Break the dead branches from the path:
Our hope is in the aftermath—
Our hope is in heroic men,
Star-led to build the world again.
To this Event the ages ran:
Make way for Brotherhood—make way for Man.

—EDWIN MARKHAM

The responsibilities of citizenship embrace all those acts or possible acts, all those habits or attitudes varying with moral perception, knowledge, acumen, experience, and environment and capable of being lessened or increased, as one shrinks from his individuality, or expands his life and throws his full weight as a growing man of noble purpose into the civic scale. —CHARLES EVANS HUGHES

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1. FRATERNALISM THE BASIC POSTULATE OF DEMOCRACY
 2. NATURALISM AND HUMANISM VERSUS FRATERNALISM
 3. FRATERNALISM AND THE PROBLEM OF RACIAL RELATIONSHIPS
 4. GROUP DIFFERENCES AND THE CONCEPT OF A COMMON GOOD
 5. IMPLICATIONS OF AN ETHICALLY BASED DEMOCRACY
 6. THE FAILURE TO GRASP THE REAL CONTENT OF FRATERNALISM AND ITS RESULTS
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IN A HIGHLY imaginative but very suggestive discussion of the birth of the modern democratic state, H. G. Wells raises the query as to "what keeps us together and sustains our co-operation." Are we related merely as grains of sand, or the mountains of a range, or is there a principle of inner connectedness that constitutes the real and

FRATERNALISM AND CITIZEN MOTIVATION

enduring basis of citizen motivation, co-operation, and organization?

During the early part of the twentieth century, says Wells, little account ordinarily was taken of these questions. "Men called themselves individualists, or socialists, and they had not the beginnings of an idea how the individual was and might be related to the state; they were nationalist and patriotic, and none of them could tell what a nation was."¹ It is of the utmost importance that this query be considered, because with the correct answers to it goes the solution of the most difficult and perplexing problems that press upon democratic society and the state. If the ties that unite us are merely external and fortuitous, then egoism and its resultants are not only justifiable but inevitable. On the other hand, if these ties are vital and ethical, altruism is natural, obligatory, and indispensable. Social, economic, and political forms based upon selfishness are aberrations. Democratic society and its institutions basically must be fraternal in order to be wholesome, purposeful, and effective, and in order to endure.

1

With sound instinct, if not with clear comprehension, the French revolutionists linked fraternity with liberty and equality as the basic principles of a democratic order. And these three concepts are inseparable in any really practicable and worthy view of democracy. This is so because, as democratic experience everywhere shows, liberty untempered by fraternalism tends to be arbitrary and disruptive, and equality apart from fraternalism is theoretical, mechanical, and in practice unworkable. Thus fraternalism figures as the most penetrating and basic democratic principle.

The concept of fraternalism is definitely the contribution of Christianity because it complements the Christian representation of God as Father. Though the claim of various students of the teaching of Jesus be conceded, in effect, that Jesus did not connect the brotherhood of man with God and perhaps did not use the idea at all,² it is certain, nevertheless, that his habitual reference to God as Father establishes an inference of human kinship that cannot be explained away on either critical or philosophical grounds. There is no other

¹ *The Shape of Things to Come*, III, 245-58.

² "The brotherhood of man," says Henry A. Cadbury (*The Peril of Modernizing Jesus*, p. 98), "is not explicit in the gospels. It is derived of course from the fatherhood of God, but it is modern writers who make the step of inference by a literal understanding of Father." However, does the brotherhood of man necessarily depend upon a literal understanding of fatherhood?

CITIZENSHIP AND THE NEW DAY

conception of Deity so comprehensive and convincing. Fatherhood is universal, and although not always awakening the same tender and reverent feelings, the conception is sufficiently understood to bring God as the common creative life force within every man's vision and thus to provide a substantial, though idealistic basis for belief in the universal kinship of mankind.

It may well be, as critics of Christianity aver, that democratic association in the state never occurred to the mind of Jesus, but the unavoidable inference from his assumption of a common spiritual origin of mankind is that moral kinship, fraternalism, is the basic principle of all human association and the criterion of all social and political conduct. In the old legend of the Norse god, the horn of the god could not be emptied because it rested in the sea. Whoever tried to empty the horn was trying to drain the inexhaustible sea. In the thought of Jesus the human soul is like that horn. God stands related to men as an eternal flood tide of life and love. When men fail in the sense of God and a common spiritual origin, human relationships both in society and in the state naturally become mechanical, harsh, loveless, pitiless. Only through the sense of kinship does a collective consciousness appear, solidarity displace isolation, and unity arise out of diversity.

Thus conceived, fraternalism is the basic postulate of democracy, the source of citizen motivation in a more vital and inclusive sense than even the sponsors of democracy in general have realized. Though coupled with liberty and equality to indicate important features of democratic association, fraternalism has not been conceived widely as an imperative ethic of democracy and consequently it has never been properly implemented in citizen action. Thus the fraternalism of the French revolutionists was a matter of theory only. It concealed forms of tyranny as bad or worse than the regime they tried to destroy. Robespierre knew no more about real fraternity than did Louis XIV, Danton at bottom was as great a tyrant as Richelieu. What, therefore, was so loudly and blatantly declared to be the dawn of a fairer day was the red glare of hallucination. The difficulty was the failure to understand the real content of fraternalism, and that same failure more or less has characterized every democratic experiment the world has known. The resulting contradictions in democratic practice have been so great as to give the profession of fraternity the appearance of a caricature. Possibly it is the growing realization of this fact that explains why the word "democracy," which once aroused the enthusiastic acclaim of the

FRATERNALISM AND CITIZEN MOTIVATION

masses of mankind, now appears in the case of many to have lost its appeal.

2

Over against this view of the ethical basis of democracy and citizen motivation are two other views so subversive of essential democratic idealism, yet so powerfully operative and so influential in American thinking, that they cannot be by-passed. These are the naturalistic and humanistic views. For the purposes of democratic thought naturalism comes to focus in biology and psychology because mind is regarded merely as a function of the physical organism. Therefore, man's proper place is back in nature among the beasts, the birds, and the flowers. He is a mammal among other mammals fighting the same fight. And he is now old enough to throw away his puerile ideas of inspirations, revelations, and special providences and to take his place in the order of nature. Man is not free, he is not master of himself, he is subject to the law of determinism in nature, and that law is inexorable.³

This naturalistic view of man and his place in the universe necessarily is destructive of the idealistic basis of democracy. Fraternalism is merely an illusion. What we call democracy and citizenship are without ethical motivation. They are merely the products of mechanistic development, temporary contrivances without idealistic content. Happily the answer to this naturalistic view is supplied by Einstein, one of the greatest living scientists. He says:

The scientific method can teach us nothing else beyond how facts are related to, and conditioned by, each other. . . . Yet it is clear that knowledge of what is, does not open the door directly to what should be. One can have the clearest and most complete knowledge of what is and yet not be able to deduce from that what should be the goal of our human aspirations. In other words, the scientific study of nature and of man as a product of nature does not provide us with adequate equipment to determine the real nature of human life and association. These must be determined by processes that arise out of man's rational and spiritual nature and the ages long experimentations of associated life.⁴

The other view is humanism. It is more prevalent and determinant in our democratic thinking than naturalism. Its origin was eighteenth century Enlightenment. Its basic postulate is that human

³ See Homer W. Smith, *The End of Illusion*, p. 315.

⁴ Quoted from *Information Service* (Federal Council of Churches), June 3, 1939.

CITIZENSHIP AND THE NEW DAY

life is of supreme worth. Men do not live for the purpose of glorifying God and the state. The social and political order exist for men, to help them achieve the fullest possible life. The democratic order is the best form of social organization because it leaves man the least fettered to employ his faculties for humanistic ends. Hence the least government is the best⁵ because the dependence of men must not be upon government any more than upon divine revelation. Using this method of science men must depend upon their own creative intelligence.

Humanism, without doubt, has been productive of good results in American life and social organization. It is not destructive of fraternalism. Its values, to a great extent, are in line with those of fraternalism, but its roots are not struck deep enough; it is not sufficiently grounded; its method of reliance on science is incompetent; its proposal of knowledge as the remedy for democratic ills is too inadequate for humanism to be taken seriously as a democratic philosophy. As the limitations of science are better understood, as it is more fully realized that science cannot supply all the facts, that people as individuals and groups must make choices and decisions without knowing all the facts, we are less disposed to rely upon a creed of humanism and more inclined to supplement knowledge with faith. Such faith need not be in supernatural interventions and special providences, but in the reality of a moral and spiritual order of which we are as truly a part as we are a part of the external order, and which equally must be taken into account in the building of individual character, social relationships, and institutions.

3

The answer, therefore, to the problem of democratic cohesion, raised by Mr. Wells, is the ideal of moral kinship, or fraternalism, as expressed by the democratic creed. In essence it is a faith, and not a doctrine that can be proved in any scientific sense. Like naturalism and humanism it uses science as a tool to accomplish certain ends, but unlike these it knows that science is a torch that illuminates only a small circle in the darkness; that for the achievement of basic democratic aims its method is a failure; that despite all its marvels it has left the most urgent problems of our associated life unsolved and has plunged humanity into confusion and fear. Thus fraternal-

⁵ However, it is worthy of note that John Dewey, our greatest humanistic thinker, has challenged this limitation placed upon the state by his assumption that the state is the most important instrument for the building of a better order.

FRATERNALISM AND CITIZEN MOTIVATION

ism figures as an absolute of democratic belief, not because it is scientifically demonstrable but because it is a verity that has grown out of human experience and carries with it standards of value for social and political action which command the enlightened conscience. The certainty of its vitality and importance as a democratic principle becomes evident the moment we take it out of the realm of theory and consider it with reference to almost any of the troublesome problems which now press upon American society.

Take first our race problem that grows out of our conspicuous failure to incorporate certain racial types, notably Mexicans, Negroes, and a few others, into our democracy on an equitable and satisfactory basis. Just at this writing comes the announcement of the Sleepy Lagoon murder case of southern California. The facts are reported by a citizens' defense committee. A group of Mexican boys and girls, all of them under twenty years of age, undertook to crash a party at a farmhouse and were driven away by the invited guests. The party evidently was more or less an orgy accompanied by brawls and forcible ejections of troublesome guests. The next morning at dawn one of the men who had been at the party was found unconscious in the road nearby the farmhouse, and later he died. Thereupon the police arrested twenty-two of the boys who earlier in the evening had attempted unsuccessfully to crash the party. They were tried together, five were acquitted, five got six months in jail, nine got five years to life, and three got life imprisonment. The citizens' defense committee testifies, among other things, that there was no real evidence presented that the boys had committed the crime; that the defendants were unmercifully beaten by the police to extort confessions; that they were tried in an atmosphere of bitter anti-Mexican hostility; that the presiding judge referred to the defendants in court as a gang and that they were not allowed to consult their counsel during the trial, or even when the court was in recess; that the trial was conducted on a basis of Hitlerian ideas of race superiority; that the prosecuting attorney argued in effect that all Mexicans are cowards and do not fight fairly; and that the presiding judge repeatedly ruled against the defense and in favor of the prosecution on the same points.⁶

⁶ See the *New Republic*, Jan. 31, 1944, pp. 132-33, for a fuller account of this episode. It is now reported (December 1944) that on October 4 California's Second District Court of Appeals unanimously reversed the verdict of the trial court in the Sleepy Lagoon case, and in doing so voiced as severe criticism as a trial judge and jury can receive from an appellate court. Credit for this happy conclusion of the case must be given to the untiring efforts of a citizens' defense committee.

CITIZENSHIP AND THE NEW DAY

This incident would not be significant if it were a single one, but in fact it is more or less typical of the treatment that in one form or another is accorded to our Mexican and Negro population in extensive areas throughout the country. Why do we have this problem of race differences so marked in the case of Mexicans and Negroes? Is not the very existence of the problem evidence that we have not grasped the significance of our basic democratic ethic? In other words, the root of the problem is the moral attitude of the white population, and accordingly the solution of the problem can be found nowhere else than in a moral achievement on the part of the white population. The moral effort required for such an achievement will come speedily when we begin to realize that Mexicans and Negroes, like all other people, are primarily persons spiritually akin to ourselves and only incidentally representatives of other racial types. This does not necessarily mean a doctrine of miscegenation, a bogey that has always stood in the way of any really fraternal treatment of these so-called inferior races. It means that we recognize them as persons and receive them, with due respect to their dignity and rights as persons, into our democratic fellowship.

4

Not dissimilar in principle to the problem of resolving race differences and interests on a fair and equitable basis in the democratic state is that of resolving group differences and interests. This means the development in the citizen body of a dominant sense of a common interest and good. Political philosophers point out that no enduring social and political organization can be achieved on the basis of sheer force; that there must exist some definite, though it may be imperfect, sense of a common good. Thus even the most autocratic rulers, such as Louis XIV of France and the czars of old Russia who recognized no constitutional restraints, each regarding himself as the final source of authority and law, nevertheless found it necessary as well as expedient to refrain from violating certain ideas of common rights which previously, as a result of social processes over which the monarch had no control, had gained a hold on their subjects. Astute usurpers, also, recognizing the prevalence of ideas of a common good, appealing to those ideas, and giving a semblance of devotion to them, have been able not only, with the acclaim of the people, to rise to great heights of power but also to figure as benefactors.⁷

⁷ See Green, *Principles Political Obligation*, pp. 133-34.

FRATERNALISM AND CITIZEN MOTIVATION

Even to exist, the democratic state, by reason of the fact that political power resides in the people and independently of them there is no absolute over-all control, must be undergirded by a positive and enlightened sense of a common good on the part of the citizenry. There must be general capacity for combined action that subordinates individual interests, the interests of groups, localities, and classes to the common good. Obviously the concept of democracy as a device or contrivance based on a philosophy of expediency is not competent to create that capacity. Democratic experience reaching as far back as the Peloponnesian and Delian confederacies definitely shows that with only a philosophy of expediency to combat the selfish instincts of human nature the dominant sense of a common good cannot be established.⁸ For that supreme democratic achievement there must be ethical motivation, and that motivation is provided in the concept of moral kinship, or fraternalism.

The rise of great varieties of groups in democratic society is natural and unavoidable. Such are the family, the church, the neighborhood, the college, the club, the learned society, the civic association, the chamber of commerce, professional groups, labor unions, organizations of farmers, and business groups of many kinds. Even in primitive societies group life exists in great variety. And as society becomes more complex, in particular as greater individual freedom is achieved, there is great increase in both number and variety of groups. Some of these are public interest groups, and their conflicts of view and purpose on the whole provide individual and social impetus. Others, like the labor unions, farmers' organizations, chambers of commerce, and business associations are essentially private interest groups. They also have important functions, the proper discharge of which is individually and socially beneficial, but in their operation, guided by their private interests, they tend to become power groups resorting to pressure methods to control legislation and thus to impose their will upon the whole citizen body.

Until the outbreak of the Second World War, the greatest offenders in this respect were the powerful business and financial groups. Coincident with the rise of modern democracy came a new technology and the beginnings of industrial processes which gradually increased productive capacity and output to proportions that exceeded the wildest imaginings of those who laid the foundations of our republic. But, unfortunately, income from this increased output

⁸ See Elihu Root, *The Citizen's Part in Government*, pp. 18-22.

CITIZENSHIP AND THE NEW DAY

of goods was not properly divided. Our system of private capitalism made it possible for a few men to control production and to shape it to their own ends instead of a social end. Hence the swollen fortunes and affluence of the few, which contrast so sharply with the economic status of the many. Hence, also, the great industrial chiefs whose influence in determining social and political developments is all out of proportion to their intellectual and moral competence. Not satisfied with dictating the conditions of industry, which daily command the lives of millions of their fellows, these holders of economic power entered the political arena exerting pressures that have nullified the political rights which under democracy belong to all the people and must be equally shared. Ignoring the democratic principle of common rights and a common good, they seized and used political machinery to secure special benefits for themselves. Their henchmen dominated the government of towns, cities, states, and to an astounding degree the nation itself, thereby making organized economic power the controlling factor in politics. This has meant the flouting of public rights and the sacrifice of the democratic ethic of fraternalism for the sake of profits and the further concentration of economic power.

The inevitable result has been the development of powerful opposing groups: labor unions, farmers' organizations, and other private interest groups; each more or less regardless of the common interest, seeing and fighting primarily for its own interests; and each striving to seize and use the power of government to achieve its own ends. Without question this situation presents in a concrete and tangible way the peril of dictatorship, and the only safeguard against that peril is citizen understanding and opinion sufficiently powerful and dynamic to keep government from falling into the hands of any special group, and to conserve it as the agency of the common good. If citizen opinion fails at this point, American democracy is lost. Nothing else can save it, because it is always true that the power of government falls into the hands of any group that wants it and is powerful enough and aggressive enough to seize it.

5

All this suggests the problem that is fundamental in democratic organization, that at once presents immediate tasks and ultimate goals. It is the problem of establishing and implementing an over-all political power that is fully responsible in the sense that it is moral and can be depended upon to act in moral ways. A challenging state-

FRATERNALISM AND CITIZEN MOTIVATION

ment attributed to Lord Acton and often quoted is that "power always corrupts and that absolute power corrupts absolutely." The latter part of the statement is obviously true and therefore requires no discussion. As for the first part, it depends very much upon how political power is conceived and how it is based whether it corrupts or does not, whether it can be depended upon to act morally or whether it cannot. Certainly the concept of government as a contrivance based on a philosophy of expediency gives no great assurance at this point. But government conceived as the agency of a democratic state supported by and expressing a majority will that is rooted in the ethic of fraternalism places it in a different light. It would pervert the facts of history to claim that democracy as we know it has ever expressed unequivocally the ethic of fraternalism, but the very logic of the democratic idea makes it clear that it must do so increasingly and with greater acceleration if it is to justify itself in the new day and is to survive.

It will suffice to note in this connection a single concrete but highly important implication of the concept of an ethically based democracy. It is the adoption and enforcement of social directives which are free from the taint of partiality for privileged individuals, groups or classes, and are identified with the interests of all. Here lies the fatal defect of democracy in the past, a defect that may yet prove to be the cause of its downfall. Too commonly, political power in the form of law was invoked by immediate expediency, or by the assertiveness of selfish groups which because of greater cohesion or better organization were able to command a temporary majority, and in consequence that power was unethically used to defend the entrenched and unjust privileges of a few. In more recent years, in consequence of the extension of the franchise, there has been opportunity in larger measure than ever before existed in any state for the people to use their political power for the general welfare. But because of citizen lassitude and the failure of millions of voters to take any intelligent part, or any part at all, in political activities, we have had minority government^{*} by one party or another, extremely partisan in character and more concerned with retaining political dominance than with the promotion of the common interest.

One great need at this point is the development and maintenance of greater citizen vitality, not merely in the sense of a better informed citizenry, but a citizenry that is more fully integrated and

^{*} The governing minority, as shown in Chapter V, generally has represented considerably less than 50 per cent of the voters, and less than 20 per cent of the citizens.

CITIZENSHIP AND THE NEW DAY

adjusted to the ethic of fraternalism. The development of such a citizenry posits one of the greatest problems of modern democracy for several reasons: (1) the concept of citizenship in general is so externally based; (2) there is so little grasp upon the basic democratic ethic; (3) the democratic process¹⁰ is so poorly understood; (4) established agencies for citizen education are functioning so inadequately; and (5) as a result of undercover manipulations actual citizen participation in politics often seems to be so meaningless and undeserving of serious thought and effort. All these untoward conditions, which make for the devitalizing of citizenship and the denaturing of democracy, are but aspects of the problem of developing citizen vitality that must be solved if democracy is to fulfill its promise and become the dominant political force of the new day. And American experience, attested by countless happenings in isolated centers of local government throughout the nation,¹¹ and the positive and important democratic gains which characterize every period of our history as a nation definitely show that the problem is not insoluble.

Another such need, if political power is to function adequately in the interest of the many, and one that can be met only through general improvement in the quality and effectualness of citizenship, is competent legislative bodies. The primary and important role of legislatures, to summarize the informed discussion of the matter by Charles E. Merriam, is that of unifying the wisdom and the will of the community and expressing them in public policy and enactments. The accomplishment of this task depends not so much upon the structure of the legislative body as it does upon their insight, wisdom, prudence, judgment, social diplomacy, and the ability to bring a confusion of voices into something like a central harmony, that will command community support. A pertinent criticism of these bodies as they are now constituted is the alleged subservience of legislators to powerful and well-organized private interests. Many years ago T. H. Green¹² raised the question as to whether legislative agencies could be kept free from such pressure, and his considered judgment was that the question does not admit an unqualified an-

¹⁰ As described in Chapter IV.

¹¹ An impressive illustration to the point is the fact that 600 American cities and larger towns within a period of a single generation have wrested local government from the grasp of partisan undercover politics and set up a form of government that is amenable to public opinion and makes use of scientific methods in solving the problems of government.

¹² *Op cit.*, p. 126.

FRATERNALISM AND CITIZEN MOTIVATION

swer. Conversely, Charles E. Merriam¹⁸ points out that the efforts of pressure groups to influence policy is inevitable, but that it may be kept in proper balance by the power of the state. The fact is, however, that it has not been kept in proper balance, and is not likely to be until citizen consciousness is impregnated to a far greater degree by the ethic of fraternalism and is given more adequate expression in politics than ordinarily has occurred.

6

Obviously the greatest defect of democracy, both past and present, is the failure, quite natural and explicable, of citizens generally to grasp the real content of its basic ideals, in particular, the ideal of fraternalism, with the result that democratic societies in practice consist of groups of privileged persons enjoying equal rights and opportunities, but not sharing them with other members of the community who are disqualified on grounds that have no ethical validity. Though important advances have been made, it is still true that no democratic society has ventured a thoroughgoing application of the ethic of fraternalism and, therefore, no completely democratic state has yet appeared.

The pressing need is for adequate recognition of the fact that the democratic ethic includes the whole of man's associated life and not merely a part of it, his social and economic activities and rights as well as his political activities and rights. While various groups have busied themselves in discussing political rights and extending these rights to other groups, and in developing systems of charity to provide for the needs of the indigent and helpless, the economic rights of people in general have had little recognition. The masses have been obliged to live in subjection to an economic despotism as blind and ruthless as the political despotisms of other years. This contradiction in the application of democratic ethics, necessarily, has produced unhappy results for democratic association, not the least of which is the widening chasm between those whose whole outlook is economic and who measure all social and political advance by the yardstick of economic gain and those who appeal to the doctrine of a higher law as the true determinant of democratic intercourse and the indispensable condition of democratic progress.

If democracy is to survive, to say nothing of the fulfillment of the democratic dream, a change in its motivation must speedily come to

¹⁸ *On the Agenda of Democracy*, pp. 23-24.

CITIZENSHIP AND THE NEW DAY

pass. The exaggerations of fascistic protagonists, prior to the outbreak of war, in their talk about "the effete democracies" naturally were appraised at their true value. However, as the tragic struggle with fascism developed, it seemed obvious that something was radically wrong with the democracies. There was indifference on the part of the masses in every democratic country, and lack of enthusiasm for democratic institutions and ideals, and consequent paralysis of will in their governments. What could this situation mean? Did it spell the loss of faith in democratic ideals, or did it merely express the frustration and defeat felt by the masses at the way these ideals have worked in practice? ¹⁴ Five years of war have answered that question, because a new mass interest in democracy is now in evidence, and without question it springs from the hope of economic betterment and the achievement of a new social and political status with the winning of the war. Thus it appears that modern democracy has been operating under handicaps imposed by industrial and business arrangements, which rob political rights of their meaning for the average man, since the exercise of those rights has failed to give him any adequate measure of control over his own material conditions or any substantial voice in determining the decisive issues of national life.¹⁵ Political parties which should function as organs to express the will of the electorate are, in reality, scarcely more than cleverly constructed combinations of economic interests, upon which party organizations depend for their financial support. The struggle of the parties to gain control of the governmental machine is largely in behalf of the particular interests they represent. Party policies only in a small degree, if at all, are determined by the opinion of the electorate, the unorganized majority is virtually impotent to assert itself against organized economic power. The men who control finance and those who control the powerful pressure groups occupy the seats of authority. Their money and their satellites control the parties.¹⁶

This clearly is the frustration of the democratic dream, and the fruits threaten to be as bitter as the apples of Sodom. The ideal of fraternalism offers a rational interpretation of democratic association.

¹⁴ See Carr, *Conditions of Peace*, pp. 20-28; Drucker, *The End of Economic Man*, pp. 54-56; and Tawney, *The Acquisitive Society*, chap. iii.

¹⁵ See Tead, *The Case for Democracy*, pp. 24 ff.; Carr, *op. cit.*, p. 20; and Ernest H. Wilkins, *Democracy Is Different*, p. 217.

¹⁶ In Great Britain, labor unionism has become essentially an economic group co-operating with or competing with other economic groups to gain control of the political machine. In America labor unionism since the turn of the century has followed the same pattern.

FRATERNALISM AND CITIZEN MOTIVATION

It gives to every individual a definite, significant, and worthy place in that association. The rise of modern democracy seemed at the outset to be the institutional expression of that ideal. Hence the popular enthusiasm evoked by the magic words "liberty, equality, fraternity." Because of the triumph of the economic motive, democracy, for many, has lost its rational substance. In a world dominated by the economic motive man loses the sense of individual significance. The state ceases to be a community of individuals bound together by a spiritual purpose and outlook, and becomes a chaos in which individuality becomes irrational and senseless.

It is not meant to impugn the integrity of the men who control our economic system, and by means of it our politics, and thus determine the material and social status of millions of their fellow citizens. Many of these men are truly humanitarian in their outlook, and conscious of the inequities that result from our economic emphasis and arrangements, they have supported and helped to build up a system of philanthropy to relieve human need and to promote human welfare that is greater than any nation ever has witnessed. What, however, our economic hierarchy has failed to realize is that the fraternal ideal cannot be reduced to the proportions of a mere diversion. It must command the whole of our associated life and temper all our activities and relationships. It must be interpreted in terms of business organization and planning, in the processes of wealth production and distribution, in working conditions and relations, in wages as well as in profits. In other words, our economic system must be directed in the interest of the many and not merely to produce a surfeit for the few. The distribution of poultices and palliatives does not suffice. It is a fair question whether our system of charity that is calculated to repair the damages wrought by an economic system that in its essential character is antisocial does not in fact render disservice both to those who give it and to those who receive it. What men deserve and crave is justice and not charity. And justice is the soul of fraternalism.

Many today are discussing the question of a new moral motive to take the place of the economic motive that now so completely dominates. To the multitudes who are indifferent, or preoccupied with current tasks, or, most frequent of all, obsessed with a feeling of helplessness, the question may well seem presumptuous and futile. But in fact is not this question of a moral motive or purpose for the coming democratic order already answered in the fraternal ideal? No serious and concerted effort has ever been made to give effect to

CITIZENSHIP AND THE NEW DAY

that ideal. The bypaths that have been followed, the more or less useless peregrinations made by the numerous Christian sects, while this important objective of Christianity has been misunderstood and neglected, form one of the aberrations of history. Happily within the church, during the past half century, powerful voices like that of Francis Peabody, Walter Rauschenbusch, J. Brierly, Washington Gladden, Lyman Abbott, and numerous others have been raised demanding that it return to its great task of infusing the social and political order with the spirit of fraternalism.¹⁷

The words of these prophets did not fall entirely upon deaf ears. Minds were quickened, influences released, and forces set in operation that may yet play an important and decisive part in effecting the social and political changes which are daily becoming more urgent. More than this, the terrific persecutions to which the churches of Europe are being subjected at the hands of totalitarianism may be found in the end to work just as persecution always has worked—that is, it may come to pass that as a result of persecution a new social impulse will come to life that will make it possible for the churches of Europe to assume their proper role of leadership in the reshaping of European society and indirectly to exert a powerful influence upon the fraternal movement in the rest of the world. It may well be, as Peter Drucker remarks,¹⁸ that the new Christian integration of society can become successful only after the present forms and routines of the churches, in both Europe and America, are destroyed. That, however, is not important. If the Spirit of Christianity lives on and its fraternal ideal becomes embodied in a new order, it is certain that new and better forms of church life will arise.

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¹⁷ It is now generally recognized that fraternalism, though not the whole message of Christianity, is the heart of its social message.

¹⁸ *Op. cit.*, pp. 109-11.

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Chapter IX

Social Justice and Free Enterprise

What the masses are discussing today is not justification but justice. . . . They scorn charity and ask that instead they may receive their rights. . . . Many influential groups throughout the world are devoting their ardor and energy to reclaim a more equitable basis for the common life. . . . Students in college are being told that in their preparation for the ministry their study of numbers must be, not that of a book in the Pentateuch, but of percentages of work and wages, of cubic feet and air allotted in work rooms and sleeping places, and of the death rate in certain occupations. In the case of some prophets of the time the new sentiment of justice has taken the place of the religious passion of an earlier day.

—J. BREIRLY

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1. FREE ENTERPRISE AS NATURAL SELECTION
 2. LATER TRENDS OF FREE ENTERPRISE AND THEIR FRUITS
 3. THE CHALLENGE OF SOCIALISM AND TRADE UNIONISM
 4. POLITICAL IDEALISM AND EXPERIMENTAL INTERVENTION
 5. POSTWAR ECONOMIC RECONSTRUCTION
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SOCIAL JUSTICE, like liberty, equality, and fraternity, is necessarily a basic concern of citizenship because it is also a basic postulate of the democratic state. Its sanction is not a legal formula or any visible authority but the invisible power of right reason or conscience. The Hebrew prophets were the first to discover that justice and righteousness are immutable laws of a universal moral order which cannot be disregarded with impunity. With passionate earnestness they urged their respective generations to "hate the evil, and love the good, and establish justice in the gate"; to "let justice roll down as waters, and righteousness as a mighty stream"; to "do justly, and to love kindness, and to walk humbly with thy God"; and to "make justice the line, and righteousness the plummet."¹

The founder of Christianity, likewise, made justice and righteousness a passion and an ideal. To him the gift presented at the altar was of much less importance than the rectification of a wrong or of an act of injustice against a fellow man.² Happily this concept has

¹ Amos 5:15, 24; Mic. 6:8; Isa. 28:17.

² See Matt. 5:23-24.

SOCIAL JUSTICE AND FREE ENTERPRISE

reappeared in modern democratic faith. It was voiced first by the great modern prophets Maurice, Kingsley, Carlyle, Ruskin, Maeterlinck, Tolstoy, and a few others.³ Today the demand for social justice is a crescendo of voices in every democratic nation. It is a demand, however, that is made not in the name of religion, but in the name of democracy, and properly so because social justice is vitally related to every essential democratic concept, and therefore may be regarded as a fundamental feature of citizen ideology and of democratic faith.

1

The present-day demand for social justice is, at bottom, a challenge of the validity of the system of free private enterprise that historically has been so closely associated with democracy that to many minds it figures as an inherent feature of the democratic system. Economists generally are accustomed to speak of the system as "economic *laissez faire*," meaning noninterference by government in the sphere of economic activity. In popular designation, "economic individualism" or "rugged individualism" has come into use, but this usage of the word "individualism" is unfortunate because it tends to confuse thinking in regard to social qualities that are of the utmost importance to democratic society.

The concern of those who champion the system is to show the value to society of putting the fewest possible restrictions upon individuals in their efforts to acquire and to use property. They hold that every individual should be free within the traditional laws of crime, and contract to accumulate as much property as he can, by what means he deems expedient, because private property is a natural right of man and because free competition in the pursuit of property is the only way of maintaining the process of nature through which the fittest individuals are produced, and thereby the essential condition of social progress is maintained.

The philosophy of free enterprise in the sense of noninterference by government is thus interpreted by two forceful writers of the later nineteenth century, Herbert Spencer and William Graham Sumner.⁴ The universal process of nature in all phenomena, animate and inanimate, is from uniformity to diversity, from the indefinite to the definite, from the incoherent to the coherent, from the homo-

³ Maurice's *Somebody and Nobody*; Kingsley's *Message of the Church to Laboring Men*; Carlyle's *Past and Present*; Ruskin's *Qui Judicatis Terram*; Maeterlinck's *Social Justice*; Tolstoy's *The Resurrection*.

⁴ Spencer, *Essays, Moral, Political and Aesthetic*, chaps. xxv-xxix; Sumner, *The Challenge of Facts and Other Essays*, chap. i.

CITIZENSHIP AND THE NEW DAY

geneous to the heterogeneous. The earth and other planets evolved out of indefinite liquid masses. Organic life has proceeded from the simple forms of lower organism to the specialized structures and functionings of higher animals. And the same is true, they said, in social evolution. All social progress is marked by advance from uniformity to variety. In a group of primitive people deadening similarity is the dominant characteristic. Organization is simple, interests and activities are uniform and limited. The development of the civilized community out of such a group proceeds with a growing diversity of interests, activities, and variety of forms. This development is on the lines of individuation and automatic adjustment. As a result of a continuous struggle for existence between individual organisms to adapt themselves to their environment, only the fit, in the sense that they are adaptable to strange and new conditions, survive. The misfits are persistently eliminated. Such is the law of natural selection through which are generated the forces that ensure social progress.

Thus these two foremost protagonists of the system of free private enterprise endeavored to establish it upon a scientific basis. The extension of government into the sphere of economic life beyond what is necessary to protect individual freedom of action, said Spencer, tends to impede the whole process of social evolution.⁵ All experience, said Sumner, is against political action in the sphere of industry to improve the condition of the less successful members of society, since its practical outcome is to perpetuate the worst members of society and to carry society downward. The laws of the social order are fixed by nature. Let nature alone, and eventually she will cure vice and sloth.⁶

The weak spot in the arguments of these two noted thinkers was their failure to realize that the larger ends of nature are achieved, not through the workings of uncompromising and ruthless natural law but through a higher supplementary ethical law. As expressed by an early Christian writer, "the earnest expectation of the creation waiteth for the revealing of the sons of God."⁷ In other words, nature bears within itself the burden of a life that is to follow. The whole creation is expectant, purposeful, prophetic. It begins and proceeds to a certain point under mechanistic law, and then its purposes become human and moral. For its next step it awaits the revealing

⁵ *Principles of Sociology*, chaps. v, xviii-xxix; and *Justice*, chap. vi.

⁶ *Op. cit.*, pp. 25, 27-28, 37, 39.

⁷ The Apostle Paul, Rom. 8:19.

SOCIAL JUSTICE AND FREE ENTERPRISE

of intellectually and morally enlightened men. In the physical sphere Nature working by herself put the trees in the forest, the ore in the mountainside, the clay in the subsoil, but nature alone never made a sawmill, a steel factory, or a brick kiln. Likewise, civilized community life in all its activities is the achievement of intelligent and morally minded people, and not merely the product of pitiless natural law. The failure of scientific thinkers of the nineteenth century rightly to appraise the place of human and moral forces in nature's processes and the significance of those forces in the achievement of nature's higher ends gave to their argument the effect of justifying the law of the jungle in economic life. And to the present moment the course of free enterprise shows that, in spite of noteworthy examples to the contrary, the law of the jungle has played an extensive and significant part.

2

During the first half of the nineteenth century, and a little beyond, the system of noninterference appeared to work with great success in facilitating industry, commerce, and general economic prosperity. Moreover, practical considerations in all commercial nations, particularly in Britain and America, appeared to support the system. Industrially these two nations led the world and, with the successful close of our Civil War and the destruction of slavery, both were thoroughly committed to the philosophy of noninterference by government.

By this time, however, two trends of the system, possibly excrescent growths but destined powerfully to influence later economic developments, had emerged. One of these was the general assumption, as expressed by one writer of a quarter of a century ago,⁸ that the pursuit of self-interest in the sphere of economic life is in harmony with the public good. As stated by a current writer, the identification of virtue with enlightened self-interest was interpreted to mean that one's highest duty was rightly to understand and steadily to pursue one's own interests. Hence "people were encouraged to go about their own business and to pursue their own interests in the firm belief that they were thereby contributing to the movement of creation toward some far off divine event which could be hinted at by poets and theologians, but which required no precise definition."⁹

Doubtless this doctrine of "harmony of interests" had some con-

⁸ Tawney, *The Acquisitive Society*, p. 27.

⁹ Carr, *Conditions of Peace*, pp. 105-6.

CITIZENSHIP AND THE NEW DAY

nection with well-known proclivities of human nature as well as with the efforts of scientific thinkers to apply the law of natural selection to economic life and their failure to make clear the place and function of moral man in the achievement of nature's higher ends.¹⁰ At any rate, the assumption was an encouragement to the men of the nineteenth century to use whatever powers they possessed of natural endowment, energy, skill, social position, for their own advantage without inquiring too closely whether there was any principle of right and justice in accordance with which the use of their powers should be limited. And by fixing the minds of men upon their right, even their duty, to pursue their own interests, instead of upon their social obligations, it unleashed and, indeed, glorified acquisitiveness, one of the most powerful instincts of human nature.

The second important trend of the system was in the direction of combination and monopoly. Well up into the nineteenth century free enterprise in practice was based largely on individual ownership, small partnerships, and independent workers. Business corporations were limited and, for the most part, financed from the modest savings and profits of the owners with occasional loans from local banks. The local bank served local industry by using neighborhood savings and deposits. By the closing years of the nineteenth century, largely as a result of technological developments, the need for business operations on a larger scale, and consequently the opportunity to achieve profits on a larger scale, wholly transformed the earlier and simpler arrangements. No longer were the dominating units of industry individual employers, local banks, and independent workers, but joint stock companies, mammoth trusts, huge banking corporations, and international cartels.¹¹ As the system has continued to develop it presents two curious anomalies. One of these is the fact that the competition between small individually owned and independent business concerns, which not so far back were supposed to give character to the system of free enterprise, in large degree has been displaced by the competition between great monopoly and semimonopoly combines of various types. It is a competition, how-

¹⁰ It was not that the scientific thinkers did not appreciate the value of high moral character and conduct in economic affairs. Spencer's discussion of "The Morals of Trade" is a powerful indictment of the prevalence of immoral conduct in trade. This prevalence, as Spencer describes it, is proof enough that the uncurbed pursuit of self-interest is not compatible with the social good.—*Essays, Moral, Political and Aesthetic*, chap. iv.

¹¹ See Beard, *The Rise of American Civilization*, II, 195; and Thurman Arnold, *The Folklore of Capitalism*, p. 118.

SOCIAL JUSTICE AND FREE ENTERPRISE

ever, from which "most of the vigor has been extracted, and that exists largely in the profession rather than in practice." The other anomaly is the fact that the final authority under the system is in the hands of men who know little of the technics of industry but, since they control the capital, are able to buy, to sell, to build up, to tear down, to merge, or to manipulate business enterprises in about any way they please.¹²

The story as told by historians of the methods that have accompanied the system of free enterprise and the social results of those methods is long and complicated. Only the briefest mention is possible here. Referring particularly to the American phase¹³ of the story, it is not at all extreme to observe that from beginning to end it is malodorous from the unfair connivance between business leaders and politicians. Manufacturing, for example, was carried on under the shelter of high tariffs devised at the behest of business. These tariffs, in spite of "the ups and downs" occasioned by changes of political leadership, served to guarantee extraordinary profits by debarring from our markets the cheaper products of European industry while at the same time admitting a steady stream of cheaper European labor to compete with native labor and to force down wage rates.

Great, however, as was the advantage that business interests derived from high tariffs, "which kept cheaper products out while letting cheaper labor in,"¹⁴ it can hardly be compared to those which accrued to these same interests from the freehanded policy of government in giving away the nation's most valuable natural resources for the purpose of private exploitation.¹⁵ Many writers have gone so far as to describe this process in North America as "the rape of a continent." Railroad companies, in particular, benefited from this connivance. During the third quarter of the nineteenth century railway concerns were presented with 150,000,000 acres of public land, a vast domain equal to the area of the whole of New

¹² See Carl Dreher, *The Coming Show-Down*, p. 3; and Carr, *op. cit.*, pp. 74-75.

¹³ Judging from Spencer's afore-mentioned "The Morals of Trade" and similar discussions, the English phase of the story also recounts notable business corruptions, which, however, seem to lack the strong political flavor that characterizes business corruptions in America.

¹⁴ See Beard, *op. cit.*, II, 198; Morrison and Commager, *The Growth of the American Republic*, II, 72, 106; and A. M. Schlesinger, *Political and Social Growth of the United States*, II, 142-60.

¹⁵ Naturally the comparison is between the profits derived from the workings of the tariff over the same period that witnessed the policy of extreme governmental beneficence.

CITIZENSHIP AND THE NEW DAY

England and part of the Middle Atlantic states. Besides the soil, other natural resources such as coal, petroleum, forests, water power, iron ore, and other valuable metals steadily became concentrated into fewer and fewer hands so that by the turn of the century production and prices were controlled by a few large business concerns to an extent that seriously disrupted the price level. And accompanying the processes of exploiting these natural resources there is undubitable evidence of appalling waste, dictated by passionate greed for large and speedy profits, which constitutes a definite wrong to succeeding generations.¹⁶

Of all misuses of the system of free enterprise up to 1935 none was more damaging to the public than the practice of floating in the capital market of large issues of stocks, bonds, and miscellaneous securities which far exceeded the physical wealth of the issuing concerns and their capacity to earn profits. This, in familiar parlance, is the process of stock watering. Among the worst offenders in this respect were the railway companies. According to experts in railway affairs, many of the great railway systems of the nation were built with the proceeds accrued from the sale of stocks and bonds which, to the extent of 20 up to 50 per cent, were pure water. Other conspicuous offenders were the power and lighting companies. In building up their huge combines it often was necessary, in drawing small independent concerns into their systems, to pay heavily for them, and then for merger purposes they were capitalized at two or three times the amount actually paid, and stock was sold to the public at the higher valuation.¹⁷

Such practices on the part of the great corporations in the numerous and varied spheres of American industry were common, and great loss and suffering to the public naturally followed. In many instances the conditions under which the business operated were so favorable that the watered stock was absorbed and other forms of speculation covered. On the other hand, great business crashes that ruined thousands of innocent investors were familiar occurrences. Careful scrutiny of the practices of business organizations in dealing with small investors is a startling revelation because it shows not only poor judgment and miscalculation on the part of those organizations, but lack of moral discernment and social responsibility.

Moreover, aside from questionable motivation and methods, it has become clear that business thinking in directing our free economy

¹⁶ See Jerome Davis, *Capitalism and Its Culture*, chap. iv.

¹⁷ See Beard and Gibson, *The Old Deal and the New*, p. 65.

SOCIAL JUSTICE AND FREE ENTERPRISE

has been governed too largely by certain traditions, concepts, and rules which have grown up about the system, and too little attention has been given to its effects upon American society as a whole. For example, these facts relative to 30,000,000 lower-income families in the United States between 1930 and 1940 are highly significant. According to careful estimates, each of these families, to maintain a decent standard of living, required an annual income of about \$1,560. However, the incomes of 20,000,000 of them, two thirds of the whole number, were far less than the minimum requirement. The incomes of 12,500,000 of them, two fifths of the whole number, were less than \$1,000; and 4,000,000 of these families, about seven in every thirty, received incomes of less than \$500.¹⁸ And throughout the decade the number of unemployed was generally in excess of 10,000,000. Even in 1929, when the total national income amounted to \$82,000,000,000, twenty-one per cent of American families had incomes of less than \$1,000, forty-two per cent had less than \$1,500, and sixty per cent had less than \$2,000.¹⁹ These figures help to explain the growing opposition to the workings of our economy. The ethics of citizenship protests the fruits of our economic system as well as the motivation and methods.

3

At this point two protests in particular, originating in the social results of free enterprise, Marxian socialism and trade-unionism, require notice. Socialism reaches back to the second quarter of the nineteenth century²⁰ and is essentially a challenge of the validity of the system of free capitalistic enterprise. The phase of the Marxian indictment that appealed most powerfully to the toiling masses is thus expressed in the *Communist Manifesto*: "It [capitalism] has pitilessly torn asunder the motley feudal ties that bound man to his natural superiors, and has left no other nexus between man and man than naked self-interest, than callous cash payment. It has drowned the most heavenly ecstasies of religious fervor and chivalrous enthusiasm."²¹

The basic features of socialism are: (1) the theory that value is

¹⁸ Report of National Resources Committee for 1935-36.

¹⁹ Estimate of Beard and Gibson, *op. cit.*, p. 642.

²⁰ According to Albert Schäffle, author of *Quintessence of Socialism*, the beginnings of socialism reach back to the French Revolution and were coincident with the new democratic impulses released by the revolution. On this ground Schäffle characterizes political liberalism and socialism as Siamese twins.

²¹ *The Manifesto*, published in 1848, was the joint work of Marx and Engels. The word "communist" was used to distinguish their system from earlier forms of socialism.

CITIZENSHIP AND THE NEW DAY

measured solely by the necessary labor time the worker puts into the production of commodities, that commodities represent merely the stored-up energies of the workers, that profits, interest, and rent are exploitations of the workers; (2) the concept of an economic substratum that is always in a state of change resulting in historic crises in which social ideas and institutions are refitted to their economic foundations; (3) the rise of a classless society characterized by social and economic equality; (4) state ownership and control of all industry; and (5) the control of the state by the workers and the control of the workers by the party, in other words, "the dictatorship of the proletariat."

The developments in Russia following the Socialist Revolution did more to expose the fallacies of Marxianism than all the discussion that had extended over a century. The earnest efforts of Lenin to establish a social order on the Marxian basis brought only vast confusion that soon resulted in unqualified dictatorship, not of the proletariat over bourgeois enemies but, with the liquidation of bourgeois elements, over the proletariat itself.²² Since in socialist theory the proletariat alone control the government and the party alone controls the proletariat, it is not surprising that the party control has become centralized in the person of a dictator. And though it is explained that the dictatorship is temporary,²³ to be continued only for a period sufficient to uproot bourgeois ideals and firmly to establish Socialist ideals, such an outcome still remains highly problematical. Without doubt the future of socialism as a world force depends very much upon the developments of the experiment in Russia during the next quarter of a century, whether the dictatorship really does relax, whether a free society does emerge, and whether it is found in practice that a socialist economy can be operated with satisfactory results under democratic forms.

Though reaching farther back, the great developments of trade-unionism have come within the past fifty years. It is now a mighty force that must be reckoned with in every capitalistic nation. It originated in the instinct of men to unite their strength for self-preservation. It was the stupid identification of free enterprise with "freebootery" that made labor unionism necessary. The laborers were caught in "a whirlpool of destructive competition. They found themselves forced to match strength, not with ethical and considerate men but with unscrupulous and ruthless men, not with strong men

²² See Drucker, *The End of Economic Man*, pp. 53 ff.

²³ See Joseph Stalin, *Leninism*, pp. 41, 43, 96.

SOCIAL JUSTICE AND FREE ENTERPRISE

but with sly men." ²⁴ Little wonder that in such a struggle organized labor also developed sharp and ruthless methods and drew into membership many disreputable elements. But the entire labor movement must not be blackened because of these elements any more than all capitalist employers, all politicians, all members of the legal fraternity, or all citizens of a community should be blackened because of their disreputable elements.

There are three chief objectives for which trade-unionism is striving and it should have the fullest co-operation of responsible citizens in its fight to achieve those objectives, because in fact they are democratic objectives: (1) a secure position for the workers in society with the means to support a standard of living not markedly disproportionate from that of their neighbors; (2) full and better planned production more equitably shared by the whole population and, in consequence, relief from the haunting fear of unemployment that presses upon millions of Americans; (3) a more responsible part in the direction of industry, a reorganization of corporative industry so that it will mean co-operative industry in the broadest sense, providing equal protection of the rights and interests of all, and effective co-ordination of all the functions that productive industry represents. ²⁵

From whatever causes and motives it springs it is evident that organized labor more and more is taking thought for the basic ends of industry, and with its growing power emphasis is shifting from mere insistence upon a greater share of the profits of industry to a greater and more responsible co-operation in directing the processes of industry. ²⁶

4

Coincident with the later developments of free enterprise and the socialist and trade-union protests, various thinkers, ²⁷ going back to the political idealism of the ancient Greek philosophers, began to urge a view of the democratic state that contravenes the concept of

²⁴ Max Zaritsky (president of United Hatters and Millinery Workers International Union), "Can Labor Prosper Under Free Enterprise?" *The Saturday Evening Post*, Jan. 30, 1943.

²⁵ See Glen E. Plumb, *Industrial Democracy*, pp. 156-57.

²⁶ See John Harman, *The Meaning of the Modern Mind*, pp. 647-51.

²⁷ The leading exponents of modern political idealism are Thomas Hill Green (1836-82), Edward Caird (1835-1908), Francis Herbert Bradley (1846-1924), Bernard Bosanquet (1848-1923). These men undoubtedly were influenced by the idealism of Kant and Hegel, and it also seems probable that there was some connection between their thinking and that of French writers like Auguste Comte, Alfred Fouillée, Charles Renouvier, Charles Gide, and others.

CITIZENSHIP AND THE NEW DAY

free enterprise in the sense of *laissez faire* and yet conserves, within certain limits imposed by the very nature of democracy, the principle of free enterprise. The true state, they said, is a community that has become conscious of unity and moral purpose and seeks to put them into its institutions and laws. The individual apart from the community is only an abstraction, but he has a self-distinguishing consciousness that gives him a right to a life that he may call his own. His own free choices of the good are the condition of worthy character but such choices are possible only in connection with community life and relationships. The state and its laws represent the collective action of the community, the supreme purpose of which is to assist individuals to choose and to live worthily so that they may realize themselves and contribute to the better being of all the rest or, in the phrasing of Aristotle, that "all may achieve the good life."²⁸

There are conditions under which many individuals, sometimes a majority, cannot choose and pursue the good life without the intervention of the state to remove handicaps and to provide an environment in which they have a chance to make the most of themselves, both intellectually and morally. Though endowed with high native capacity, they may be confronted by impediments to full self-realization, arising from ignorance and lack of means for removing ignorance or from fraud or carelessness on the part of others with whom they have to deal. The state, in providing public education, regulating the structure and management of factories, defining conditions of land tenure, preventing the adulteration of foods, is not trying to impose civic goodness upon parents, factory owners, landlords, and food purveyors; it is trying to set free whatever potentialities for civic goodness are possessed by children, factory workers, tenants, and consumers.²⁹

This political idealism provides the warrant for experimental interventions of the state which represent a definite modification of the system of free enterprise in the sense of *laissez faire*. By the opening of the twentieth century many Americans were committed to the idea of experimental intervention. For the most part business enterprise long had been in favor of a certain kind of intervention, such as a protective tariff to maintain price levels, the use of credit and the monetary system of the nation to obviate violent fluctuations in prices, the fixing of discount rates and the reserve require-

²⁸ Aristotle, *Politics*, III, ix.

²⁹ See Coker, *Recent Political Thought*, p. 425. See chap. xx of the same work for a thorough and illuminating discussion of empirical collectivism.

SOCIAL JUSTICE AND FREE ENTERPRISE

ments of banks, and similar measures designed primarily to guarantee profits and thus to promote business prosperity. The political idealists, however, insisted upon a type of intervention designed more particularly for the protection of the public interest and the furtherance of public welfare. One of the first, but somewhat sporadic, fruits of this political idealism was the legal recognition in 1867 of the principle that "when owners of property use or operate it in a manner to make it of public consequence that affects the community at large," then government may determine what is a reasonable compensation.⁸⁰ Another such fruit was the trust legislation of 1890 which ruled that "every contract in restraint of trade—among the several states—is hereby declared illegal."⁸¹ The application of the first of these principles brought extensive legislation to control public utilities and the application of the second resulted in the well-intentioned but not highly successful efforts of government to control the activities of monopolistic corporations. Still other and later fruits were the numerous laws passed by Congress and by the state legislatures to improve working conditions in factories and mines and other spheres of industry, particularly the conditions of wage-earning women; to safeguard the health of workers; to provide compensation in cases of accident; to ensure a reasonable standard of living by means of minimum wage rates; and to protect children against the perils of employment at a too tender age. Even the principle of public ownership and operation was sanctioned and to a limited extent applied in the field of local government.

However, normal progress on these lines was rudely interrupted by the outbreak of the First World War and the necessary imposition of a war economy that represented extensive but temporary governmental controls. Immediately following the war, a reactionary period, hailed as a "return to normalcy," began. During the whole of this period business interests made all the rules, but so poorly understood the economic forces at work and the problems pressing for solution that the ruinous depression which came with the breaking of the stock market of 1929 was unavoidable. And four years of depression disaster brought forth the New Deal. Judged by intention alone the New Deal might fairly lay claim to political idealism for its parentage, but to many its methods appeared to be an unholy

⁸⁰ *Munn v. Illinois*, 94 U.S. 113.

⁸¹ The Sherman Act, passed by Congress in 1890.

CITIZENSHIP AND THE NEW DAY

brood.³² Because the situation was too acute to brook delay and because untried ways had to be opened up, improvisation played a dominant part. It was not unsound political theory so much as it was inexperienced officials and improvised methods that constituted the real weakness of the New Deal. When the Second World War came, again imposing a rigid war economy, it seemed that the New Deal had got nowhere, that none of our vexing economic problems really had been solved. But the passage of time and the growing realization that a new period calling for economic reconstruction is at hand have brought new understanding. The following worthwhile accomplishments of the New Deal are now widely recognized: (1) it proved the importance of experimentation both in economic policy and in method; (2) it provided invaluable education in collective economic effort; (3) it originated certain agencies which, with some adjustments and more experienced use, are likely to become valuable features of our economic system; and (4) it deepened the sense of public responsibility.

5

The immense economic problems of another postwar period now occupy our minds. Millions of returning soldiers must find employment. Other millions of trained workers in the war industries must be shifted to peacetime occupations. A vast accumulation of postponed needs must be satisfied. Even greater needs of food, supplies, and equipment of every sort, the wherewithal to repair the ruin wrought by the war, exist abroad. These needs we must help to supply in fulfillment of a solemn promise of "freedom from want" given to all the world. Fortunately we have industrial and agricultural plant capacity equal to all such demands if they are properly utilized. We have a great increase of electrical energy and many new technics and tools await us. No less significant are the new developments of plastics, synthetics, fuels, alloys, and light metals which provide opportunity for vast new industrial developments, which can be so operated as to add immeasurably to standards of living throughout the world or can be so manipulated as to create immense monopolies which will exact tribute from the public for generations to come.³³

³² See *The New Deal*, by the editors of the *London Economist*, pp. 13-15, 45-52, 144-49; Dreher, *The Coming Show-Down*, pp. 107-18; Corey, *The Unfinished Task*, p. 264.

³³ See Thurman Arnold, "This War Will Serve Private Enterprise," *The Saturday Evening Post*, May 30, 1942.

SOCIAL JUSTICE AND FREE ENTERPRISE

In due process a peacetime economy will be restored, but a momentous question is whether as a people we are mentally prepared to make the adjustments, irrespective of traditional concepts and prejudices, that justice to the many requires. At the close of the First World War, when control by government was removed and private enterprise was given free rein, huge monopolistic combines and international cartels soon pre-empted the economic field and occupied seats of power. The philosophy that glorifies profits and more profits and makes acquisition the foundation of social justice and morals again came into full play.

In setting up a peacetime economy for the new day that is now so near we must not make the same costly mistake. In the words of Thurman Arnold, "We must not again permit any groups to seize power over production, to stabilize it at high prices or to keep it off the market, either through patent pools by industrial leaders or by the boycott of efficient methods by labor unions."³⁴ This ideal, of course, must be achieved, and other necessary steps must be taken if we are to have an economy that is free in principle but adequate to serve the needs of democratic America. Many thoughtful citizens have come to feel that a few remedial features incorporated into our historic system of industry would give us such an economy.

Most important of these is the democratization of our huge monopoly and semimonopoly combines.³⁵ At the outbreak of the Second World War we had approximately a half million corporations of various types in the fields of manufacturing, mining, public utilities, finance, service, and trade. Most of these were linked with and controlled by a few larger corporations with net income of \$1,000,000 or more.³⁶ These larger concerns constituted a hierarchy of financial power that largely dominated the politics of our two major parties, dictated the laws affecting industry, limited production and kept essential goods off the market, determined prices, defeated the concept of a free market, and disturbed the economic balance that a "system of free enterprise" implies.³⁷ In Great Britain a new middle-class "Common Wealth" party is in the making with the avowed purpose of creating a completely democratic Britain through the nationalization of all basic industries.³⁸ Whether nationalization of basic industries would make for democracy or totalitarianism, how-

³⁴ *Ibid.*

³⁵ See Dreher, *op. cit.*, pp. 316-88; and Corey, *op. cit.*, pp. 257-308.

³⁶ See Reports of United States Bureau of Internal Revenue for 1929, 1937.

³⁷ See Robert A. Brady, *Business as a System of Power*, chaps. vi-vii.

³⁸ See "The Future of Stafford Cripps," *The New Republic*, Sept. 21, 1942.

CITIZENSHIP AND THE NEW DAY

ever, would depend entirely upon how they were related to government and especially upon how they were administered, because subjecting them to the customary bureaucratic methods might well prove to be the surest road to totalitarianism.³⁹

An interesting proposal for the nationalization of these industrial units, and one that seems entirely consonant with democracy, is the plan of public corporations⁴⁰ operating under constitutional forms that would ensure self-government instead of bureaucratic control. These constitutional forms would be drawn in a way to clarify the essential purpose of public corporations in terms of service for need rather than for profits; in a way to define their relation to one another and to independent enterprise; to ensure a plan of democratic control by means of a directorate representative of management, labor unions, buyers' and consumers' organizations, co-operative and associated functional groups; to show clearly the powers of the directorate, the rights of management and of each related group; and also to interpret the authority of government, which should be indirect and limited, giving to Congress the right to keep advised of their operation, to formulate general policies, and to initiate changes in the constitutional forms. Basically these business units would depend upon government in somewhat the same way as the Tennessee Valley Project but they would be more democratic and less exposed to direct governmental action.⁴¹

In connection with the plan of public corporations, but designed to serve the whole industrial system, the means for economic planning and a method for the adjudication of difficulties that originate within the system could be provided. Certainly some economic planning is necessary in order to co-ordinate industrial enterprise and to determine its output in accordance with public needs,⁴² but it is open to question whether total economic planning is consonant with

³⁹ In 1917 Sidney Webb proposed as a plan for the nationalization of basic industries in Britain the appointment of a minister of cabinet rank who would work through central and local councils on which all grades of employees would be represented.

⁴⁰ Perhaps the nationalization of 1,000 or 1,500 corporations would suffice for a generation.

⁴¹ In his book *Conditions of Peace* (p. 80) Carr affirms that the public corporation would supply a drastic remedy for the ills that result from private monopoly corporations, but it would be democratic and its effects upon industry in general would be beneficial. A clear and remarkably convincing discussion of the public corporation organized on purely democratic lines is presented by Corey in *The Unfinished Task* (pp. 198-308).

⁴² Stuart Chase, "Freedom from Want," *Harper's Magazine*, October 1942. Private agencies like the Twentieth Century Fund, for which Mr. Chase's material was gathered, are tremendously useful but they art not now, and are not likely to become, adequate to do the job that needs to be done.

democracy. The over-all system that such planning requires necessarily reduces the individual to the status of a cog in a vast machine and thus destroys the democratic ideal of freedom. Under a free system, limited but adequate strategic planning, largely localized and proceeding on different functional levels, is about all that is practicable or necessary. Such planning could be provided by means of a planning board connected with each important industry, supplemented by regional planning boards representative of all industrial and consumer interests within the respective regions, and further supplemented by a national planning board whose work would consist largely in gathering statistical information and disseminating it through the regional and local planning boards.

For the settlement of difficulties arising within the industrial order, such as differences in interpreting constitutional provisions governing the public corporations, wage contracts between labor unions and managers, or difficulties that arise out of unfair practices of industrial groups, both public and private, and of labor unions, a system of economic courts would seem to be the proper agency. Such a system might consist of local courts for large industrial centers, higher regional courts, and a national court co-ordinated with the Supreme Court of the nation. The ordinary civil courts are not equipped with properly trained and experienced personnel to handle effectively the economic problems that necessarily would arise. Moreover, the delays which characterize our complicated system of civil courts would greatly handicap the operation of a system of public corporations. The logic supporting the establishment of economic courts grows out of the vast experience of man in his struggle to achieve civilization. That experience definitely shows that the welfare of the democratic community is more likely to be served by reasonable adjudication than by any appeal to force. In one important aspect the progress of civilization is but a record of the process by which different classes of controversies have been withdrawn from the sphere of private settlement and made subject to public control. A growing realization of the need of adjudication in the economic sphere has produced the machinery of conciliation devised by various citizens groups, municipalities, states, and by the national government. This machinery has not proved highly effective because it is not adequate. The reconstruction of our industrial system, already in the making, calls for a system of economic courts.

Since the reasons which call for economic reorganization are the further democratization of industry, the wider distribution of eco-

CITIZENSHIP AND THE NEW DAY

conomic power, the encouragement of private initiative, increased employment, and the lessening of the burden of public relief, another feature that might well be incorporated in our economic system is effective encouragement, by the extension of public credit, of small business and co-operative enterprise.⁴³ For more than half a century small business has been crippled by the methods of the large monopoly and semimonopoly combines, and by the prohibitive discount rates of banks and other private loan agencies. This has meant extensive and unnecessary bankruptcies in the sphere of small business, deprivations for millions of citizens, and a concentration of economic power that has done much to thwart the American democratic ideal.

For the same reasons co-operative enterprise, which did so much for Scandinavian and other European nations⁴⁴ up to the savage attack of fascist totalitarianism, was seriously handicapped. So great, however, is the inherent vitality of the co-operative movement that, in spite of stout resistance, membership in American co-operatives steadily grows. City groups now have above two million members, and about three and a half million farmers are associated with some form of co-operative enterprise. City co-operatives are mostly stores, though a few are manufacturing projects. Rural co-operatives are for the purpose of selling farm products and distributing supplies, including farm machinery, gasoline, and telephone service.⁴⁵ With proper encouragement American co-operative enterprise will be greatly expanded, with benefit to the whole public as well as to the co-operators. Through the expansion of farm co-operatives it is highly probable that farmers would be able to do for themselves much of what the government now does for them. Moreover, as shown by the success of Scandinavian credit unions, co-operatives might successfully operate in the sphere of American banking; corporations too small to become public corporations, and in particular chain store systems, in many cases might advantageously be converted into co-operatives. The despotism of the crowd, through what is called "the dictatorship of the proletariat," presents a real peril to modern industrial nations. The offset to that peril is industrial fraternalism as expressed in co-operative enterprise centering about a common and original impulse of man to make his weakness strength by the simple

⁴³ See A. A. Berle, *New Directions in the New World*, pp. 63, 65, 124-25.

⁴⁴ See C. R. Fay, *Co-operation at Home and Abroad*, pp. 356 ff.; and Bertram B. Fowler, *Consumer Co-operation in America*, chap. II.

⁴⁵ Report of the Co-operative League of America for 1941.

SOCIAL JUSTICE AND FREE ENTERPRISE

plan of joining with others similarly conditioned, in the pursuit of a goal which can be attained only to the extent that he is prepared to co-ordinate his own interests with those of his fellows.

An important measure projected under the New Deal, but revised both in conception and in methods of administration, which should be continued as a permanent feature of our economic system, is the maintenance of a program of public works. It should be on a national, regional, and local scale, to conserve natural resources; to stimulate backward regions by introducing the benefits of technical improvements, and general culture; to sponsor housing projects for the low income groups; to maintain soil productivity; to reduce farm tenancy by promoting ownership; to remove small farmers from marginal areas that cannot be reclaimed and to re-establish them on more productive lands; to improve public highways, and many similar undertakings. Governmental efforts of this kind do not impoverish a nation. On the contrary, they increase its resources, equipment, and opportunities. By careful planning it would seem possible to execute such a public program in a manner to relieve both scarcity and excess. In periods of business prosperity, when labor is employed, the program could be contracted and when the market is glutted and plants are closed with resulting unemployment, the program could be expanded to absorb the unemployed and thus help to maintain economic stability.⁴⁶

It will not be questioned that the validity of free enterprise and its right to survive will in the end be determined by considerations of justice and the common welfare. The purpose of this discussion has been to re-emphasize that fact rather than to present the blueprints of an economy guaranteed to work automatically and successfully under all conditions. In both economic theory and practice it is possible to find substantial arguments to justify American faith in free enterprise. What, however, is not widely understood is that for a period of several generations we have not really had a system of free enterprise. Since the turn of the century, in particular, essential production more and more has been controlled by a few large business concerns operating as monopolies and in not a few instances under international cartel agreements. Hence production has been regulated, prices have been fixed, and an increasingly disproportionate share of the total net income has been appropriated by these concerns.

⁴⁶ See Lippmann, *The Method of Freedom*, pp. 103-10; and Corey, *op. cit.*, pp. 259-60.

CITIZENSHIP AND THE NEW DAY

Thus income statistics show that in 1929 the net income of 456,000 corporations was about \$8,740,000,000 and of this amount \$7,000,000,000 was absorbed by 1,349 of these concerns. In 1925 the proportion of the income of these concerns was 65 per cent of the total, in 1926 it was 70 per cent, in 1927 it was 71 per cent, in 1928 it was 72 per cent, and in 1929 it was 80 per cent. During the depression period of 1930-32 the net income of 960 large corporations was \$4,600,000,000, while other corporations to the number of about 450,000 sustained a deficit of \$12,000,000,000 for the period.⁴⁷ It was through large concentrations of capital, the organization of vertical trusts ensuring control of the entire process of production from the raw materials to the finished output, tacit understandings between trust units, and production at less than capacity at stable prices that produced these results. The effect was to make entirely fictitious the basic assumption of free enterprise, a free market, and free competition.

At the outbreak of the Second World War it had become evident that little progress had been made in resolving the threat to a free economy and the consequent threat to democracy that huge business concentrations represent. And the operations of a war economy have served to intensify the problem instead of alleviating it. Never was the outlook of the 2,750,000 small business concerns in the United States so precarious as it is today. The problem of re-establishing an economy that has regard for social justice and not merely for profits and that is consonant with the democratic ideal of "the general welfare" is now pressing upon us. The solution of the problem cannot be left to industrialists and their political allies steeped in the exaggerated individualism of the past and with little interest or desire for freedom or justice for any except themselves. Citizens in general must give earnest thought to the problem. There must be created a body of citizen opinion sufficiently informed to understand the threat to the whole democratic process that is represented by the increasing concentrations of economic power in the hands of a few big business groups, and dynamic enough and powerful enough to remove the threat in a manner that will not deprive the public of the immense advantages that accrue from production on a large scale. The democratization of the huge monopoly and semimonopoly busi-

⁴⁷ See studies of Beard and Gibson based on report of National Resources Committee of 1939; records of Standard Statistics Co.; and "Dividends to Pay" by E. D. Kennedy, former director of SEC.—*The Old Deal and the New*, pp. 51-68.

SOCIAL JUSTICE AND FREE ENTERPRISE

ness units and the hierarchical systems of control which they are developing would seem to be the answer to the problem.

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Chapter X

Penal Justice and Legal Method

Security is never more attacked than in public and private accusations, and therefore it is upon the excellence of the criminal laws that chiefly the liberty of the citizen depends.
—MITTERMAIRE

It will be more and more acknowledged that penal legislation is the keynote of a nation's public law.
—MONTESQUIEU

The common problem, yours, mine, everyone's,
Is—not to fancy what were fair in life
Provided it could be—but, finding first
What may be, then find how to make it fair
Up to our means; a very different thing.

—BROWNING

-
1. THE IMPORTANCE OF A SOUND PENAL TRIAL AND THE DEVELOPMENT OF CONSTITUTIONAL SAFEGUARDS
 2. THE REMOVAL OF JUDICIAL HANDICAPS
 3. CRITICISM OF THE FORMS AND PROCEDURES OF PENAL PROSECUTION
 4. THE TRIAL METHODS OF ATTORNEYS AND JURIES
 5. REVERSIONARY RIGHTS AND RESTORATIVE METHODS
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PENAL JUSTICE is a phase of the larger problem of social justice. As such it is a postulate of the democratic process that represents definite citizen responsibility. Our penal system, including laws, courts, officers, prosecutors, defending counselors, juries, methods, and punishments, is but an agency of the people the essential purpose of which is to promote justice. It therefore calls for citizen interest, scrutiny, freely expressed criticism. If much of this criticism seems without foundation to legal minds, they should not ridicule it but inquire into the reasons for it, just as the wise doctor takes account of the patient's diagnosis of his own malady. If the doctors of the law are to make their proper contribution to justice and legal institutions are to fulfill their real function, it needs to be borne in mind that the norms of justice are not to be found in musty legal

PENAL JUSTICE AND LEGAL METHOD

comes but lie deep in the hearts of the people. In a democratic society that postulates justice, the outpouring of men's hearts in protest, however unintelligent it may appear to the legal mind, should not be taken lightly.

1

Penal law in general and the penal trial, as Francis Lieber observes, are properly regarded as intimately connected with civil liberty:

Nevertheless it is a fact that a sound penal trial is one of the last fruits of political civilization. This is true in part because a sound penal trial is one of the most difficult matters to elaborate, and because it requires long experience to find the proper mean between a due protection of those who have been accused, and an equally due protection of the public interest; and also in part because it is always in every sphere of action exceedingly difficult to induce irritated power to limit itself.¹

The historical concepts which as American citizens we regard as essential to a sound penal trial, that is, a trial so safeguarded that it effects the highest measure of justice both to the accused persons and to the public, are the product of a thousand years of English-American experience. In England the idea of safeguards was slowly developed as a result of the long struggle with the arbitrary power. As the idea grew and was asserted in English political life, various safeguards were provided and gradually became a part of the English common law. The Englishmen who founded colonies in America naturally made use of these safeguards, slowly adapting them to American conditions. Eventually, in the process of elaborating the American constitutional system, these safeguards were incorporated, in terms of American thinking and experience, in our fundamental law. These legal provisions,² presumed to supplement and to reinforce one another, are as follows: (1) Definite "indictment by grand jury"³ is provided preceding a penal trial, on the ground that the accused as a matter of right should be spared the inconvenience and possible misunderstanding that a trial involves, unless there are just grounds for the accusation. (2) As a further protection for the innocent there must be an equitably administered "system of bail." (3) The trial must be by "impartial jury," on the theory that the jurors,

¹ Francis Lieber, *Civil Liberty*, p. 71.

² Art. III, Sec. II, Clause 3 in the body of the Federal Constitution; Amendments, Arts. V, VI, VIII; also the state constitutions.

³ The Federal Constitution and the constitutions of about half the states stipulate that indictment shall be by grand jury.

CITIZENSHIP AND THE NEW DAY

by reason of their number, mode of selection, and freedom from bias, are more likely to take a fair view of the factors involved in the accusation than any one man, however wise, able, and eminent. (4) "The trial must be held in the state and district where the said crime shall have been committed," on the supposition that the locale of the crime offers the best chance to obtain all the facts, and in consequence the greater likelihood that the claims of justice will be satisfied. (5) "The trial must be speedy and public," because the best interests of both accused and public demand that the machinery of justice work promptly and because justice is a public concern and publicity is more likely to conserve justice than is concealment. (6) The accused must "be informed of the nature and cause of the accusation" in order that he may arrange for his defense. (7) He must be "confronted with the witnesses against him," because in that way he can best meet their accusations. (8) He must have "compulsory process for obtaining witnesses in his favor," because he is entitled to all exculpatory testimony. (9) He has a right to "the assistance of counsel," because he may not be qualified to conduct his own defense. (10) He shall not "be compelled in any criminal case to be a witness against himself," because the state has brought the accusation and it is for the state to prove it. (11) If acquitted he shall not be tried again "for the same offense." (12) If convicted he shall not be subject to "excessive fines or cruel and unusual punishments."

To the average citizen it would seem that these provisions,⁴ interpreted with ordinary common sense and fairly applied, should be adequate to protect the rights both of accused persons and of the public and, on the whole, to vindicate the ideal of penal justice that inheres in the concept of democracy. But in the course of long years the interpretation and application of these provisions have become subject to an intricate inheritance of precedent, statutes, decisions, and the legal procedures which gather about the agencies of justice, so that as these agencies actually operate it often is a question whether the process of law, because of palpable failure in construing the ideal of penal justice enshrined in our constitutional system, is not more or less a travesty. In other words, it is the administration of our historical ideal, and not the ideal itself, that evokes criticism. What are these criticisms? What are the faults to which they point? What are the remedies proposed?

⁴ Distinction properly is made by the citizen between the machinery and procedures of justice and the ideal of justice postulated in our fundamental law.

Various emphases that more and more appear in current writings on legal subjects and in the discussions of bar associations and citizens' gatherings supply, in part at least, the answers to these questions. One such emphasis is the removal of judicial handicaps to permit the judge to make his full and proper contribution in the administration of justice. There are two American usages, affecting state judges in particular, which growing opinion regards as unduly prejudicing the position of the judge, hampering his freedom and limiting his usefulness: (1) the popular election of judges for short terms, and (2) an undue limitation of the judge's prerogative in the conduct of the penal trial.

Fundamental in the whole system of English-American jurisprudence is the assumption of an independent and impartial judiciary. When individuals are accused and penally indicted, they automatically become one party in the trial and the state becomes the other party, and the trial judge, who personifies the law, is the arbiter. If the trial is to be fair, it is of the utmost importance that the judge be independent of both parties, even though one of the parties is the state or, in customary usage, "the People." He must not be influenced in favor of one or the other. His whole responsibility is to the law and to the proper execution of justice.

In the period of English history that witnessed the struggle with despotic power, one of the greatest problems was to secure independent judges who in trials that involved the people's liberties could be depended upon to act freely and impartially and not merely as the tools of arbitrary power. Gradually, as the struggle proceeded, the tradition of an independent judiciary was established so firmly that perhaps in no other country today are the judges so independent and, on the whole, so impartial and competent. The makers of our constitution, fully realizing the importance of an independent judiciary and profiting by English experience, made provision that all federal judges should hold office during good behavior, that they should be appointed by the president subject to confirmation by the Senate. These provisions have secured a federal judiciary that on the whole, although not always free from the influence of patronage, has been a credit to the nation.⁵

⁵ Federal Constitution, Art. III, Sec. I; Art. II, Sec. II, Clause 2. The Judiciary Act of 1789 set up the framework of the federal courts. Under this act all federal judges are appointed by the president subject to confirmation by the Senate. In practice the members of the Senate exercise a potent influence in the nomination of federal judges.

CITIZENSHIP AND THE NEW DAY

From the outset the method of appointing state judges of all ranks has presented difficulties. The earlier usage, still followed by some states, conformed to the federal pattern but, due to the subservience of governors and legislators to corrupt influences, the appointment of judges on grounds other than fitness was so palpable that many states sought other methods of securing a judiciary, the most common of which is the selection of judges by popular election. This method usually and inevitably entangles judges in party politics. Like other state officials they must have party affiliations and play politics in order to retain their positions. This is not necessarily a reproach, either of the people who elect the judges or of the judges themselves. It is a natural concomitant of the system of popular election. If the physician of a hospital or the captain of a war vessel were elected to his position, the chances are that considerations other than fitness would be the deciding factor in his selection. To play his proper role in society the judge must be reasonably independent of the governing power, which in America is the people, and be responsible only to the law. That means the extrication of the judge from all political entanglements.⁶

With the restoration of the judge's independence from political pressures there should come also the restoration of his power to participate actively in the penal trial, not for the purpose of furthering the claims of one party or the other but to see that justice is done. Such was the office of the judge at common law, to let the law shine clearly in the darkest corners, to drag out facts left obscured or misunderstood, to expose a lie worming its way into procedure, to add his experience in analyzing facts to that of the jurors, and his skill to that of counsel to bring out the naked truth. Through force of statute in some of the states and precedent in others, the judge is deprived of such participation in the penal trial and virtually reduced to the status of an automaton, or in the phrasing of a noted legal authority, to the status of "a ringside witness." In consequence the outcome of the trial too often is determined by factors and influences other than the merits of the case and the claims of justice.

⁶Various plans are suggested, such as (1) nonpartisan nomination by petition and nonpartisan election and plurality choice; (2) nonpartisan primary nomination of double the number of candidates needed and nonpartisan election to decide the winners; (3) nonpartisan election with preferential voting; (4) nominations by bar associations; (5) a combination of the appointive and elective systems, a plan recently adopted by the state of Missouri. Bulletin IV, A, of the American Judicature Society discusses these and various other plans.

No less insistent is the criticism that relates to the forms and procedures of penal prosecution⁷ on the general ground that they are out of tune with the modern mind and therefore lack validity. In publishing the *Novum Organum*,⁸ which marks the transition from the premodern to the modern outlook, the author said, in effect, that his purpose was to cast the light of induction into the obscurity of philosophic speculation, and he expressed the belief that it was a light that would shine long afterward on the erection of palaces, theaters, and bridges, the construction of roads and canals, the foundation of schools for the education of youth, and the enactment of laws for the improvement of mankind. In this light of induction we must also consider and evaluate the institutions, procedures, and processes of penal justice.

The preliminary forms of "penal process," the Grand Jury and the system of bail, may be noted briefly. The case against the Grand Jury is lack of adaptation to the ends that it is presumed to serve. Because it is cumbersome, lacks expertness, is tardy in action, expensive, and in general lacks affirmative value,⁹ it is properly rated as a "venerable nuisance." In about half the states, because of precedent or constitutional requirements, indictment in all cases of felony rank is by grand jury. The trend of opinion, however, is shown by the fact that in all the other states the Grand Jury is rarely or never used. The action of Michigan, in 1917, conferring grand jury powers upon justices of the peace, police judges, and judges of courts of record,¹⁰ would seem to point the way to a really effective system of preliminary investigation and indictment. In the judgment of competent observers the achievements to date of the "one-man grand jury" demonstrate its superiority as an agency for obtaining the reliable and timely information needed for effective and expeditious trial.¹¹

The case against the system of bail rests upon extensive and flagrant misuse of it rather than upon lack of adaptation. As a legal usage it

⁷ It is assumed that prosecution means the conduct of the penal case from the beginning of proceedings for indictment to its final disposition.

⁸ This epoch-making book by Sir Francis Bacon was published in 1620, the same year the Pilgrims landed in America.

⁹ See *Journal of the American Judicature Society*, December 1924.

¹⁰ Public Acts of the State of Michigan, 1917, No. 196, Sec. 1, 2, 3, 4. The Michigan Act assumes that courts with grand jury prerogatives are adequately equipped with trained and experienced investigators.

¹¹ The presumption of the "one-man grand jury" is competent expert assistance in conducting the preliminary investigation.

CITIZENSHIP AND THE NEW DAY

reaches far back into history and was developed slowly, as a safeguard to liberty. Under a free political system accused persons necessarily must be held innocent until they are proved guilty, and since trial procedure cannot always promptly follow accusation, the possible injustice of days or weeks of imprisonment, by reason of bail, may be prevented. The proper use of the system does not, however, imply the indiscriminate access to bail that is so common under our system of county and municipal courts. From the standpoint of the ordinary citizen it seems clear enough that allowance of bail in cases of serious felony or to persons with a criminal record under almost any charge is a positive abuse. Yet, through the laxity of the courts and the connivance of professional bail bondsmen and an irresponsible class of legal practitioners, the permission of bail is more or less indiscriminate throughout the nation. Court records in congested metropolitan sections dominated by corrupt politics show that denial of bail pending trial is limited almost wholly to indigent persons, mostly Negroes and ignorant foreigners.¹² Two measures generally enacted by state legislatures would go far to solve the problem that grows out of the misuse of bail. One of these should definitely restrict the use of bail by increasing the number and specifying the character of offenses that are unbailable and thus to limit the discretion of the court in the allowance of bail.¹³ The other measure should aim rigidly to restrict the activities of professional bondsmen and their lawyer allies, because through their activities many habitual and hardened criminals readily escape indictment, or obtain release on bond, and final acquittal only to resume their antisocial conduct.

4

Of greater concern is the criticism of the trial methods of attorneys and the functioning of trial juries, because it challenges the effectiveness of one of our most important social institutions. Since the purpose of the penal trial, its function as a social institution, is to make bare the truth of accusations and to prepare the way for a just verdict, the trial attorneys, both of the prosecution and of the defense, and the trial jury play equally responsible parts. Incompetence on the part of either or the use of unfair methods necessarily helps to defeat justice.

¹² See the records of Cook County as analyzed by Judge Markas Kavanagh in *The Criminal and His Allies*, chap. xvii.

¹³ The Baumes Law passed by the legislature of New York in 1926 has, as one of its fundamental aims, correction of the misuses of bail by limiting the number and specifying the character of bailable offenses.

PENAL JUSTICE AND LEGAL METHOD

The case against the trial methods of attorneys is based upon three counts:

First is the lack of scientific approach. In the premodern period the mental outlook of men was determined largely by their deference to authority. The principles of induction played little part in their reasonings. Conclusions were determined in advance of the facts, and through dialectic processes the facts were made to fit the conclusions. In general the same outlook, consciously or unconsciously, tempers the customary methods of counsel in the conduct of the penal trial. Instead of real co-operation in gathering and analyzing the facts the effort of opposing counsel is to fit the facts to a conclusion. The questioning is conducted to establish opposite conclusions and precedents are cited to justify those conclusions. The result, necessarily, is failure to clarify the evidence and properly to present it to the judge and the jury.

Second is the resort to showmanship and the tricks of oratory to enlist the crudest emotional response of jurors rather than the use of methods that challenge careful thinking. Examples of such performances are so numerous and so familiar that specific citations are unnecessary. It can hardly be questioned that showmanship in penal trial procedure has come to be a chief "stock in trade" of many attorneys who specialize in penal cases.

Third is the habitual appeal to technical error in order to force delays and thus unduly extend the trial, a process that in the end may easily and often does result in the defeat of justice. Technical error refers only to procedure in the conduct of the prosecution from indictment to the verdict. Such a charge has no reference to the guilt or innocence of the defendant. It merely raises the question as to whether established rules and precedents have been strictly followed. Thus, in a New York case, one Van Every was indicted for a crime committed in the month of February, but by an absurd mistake the indictment designated it as occurring eight months later. It was a technical error, and in consequence the decision of the trial court was reversed by the Court of Appeals.¹⁴ An investigation ordered by Governor Hadley of Missouri in 1925 showed that out of 1,426 cases of conviction by the courts of that state over a definite period, 480 had been reversed on the ground of technical error. That serious violations of established rules in penal prosecution call for drastic action is not open to question, but the surprising number of errors

¹⁴ *People v. Van Every*, 222 N.Y. 74.

CITIZENSHIP AND THE NEW DAY

and in general the trivial character of them reveal the prevalence of obstructive tactics in trial procedure that is hardly in the interest of penal justice.

The case against the trial jury, as ordinarily constituted, is its lack of competence for an intricate task. In theory the function of the jury is to determine the facts in the case, and the function of the judge is to interpret and to apply the law. In practice, however, that is by no means what occurs. The jury renders a general verdict of guilty or not guilty, which obviously involves a decision about the meaning of the law as well as about the facts. In other words, a general verdict rightly determined is a compound of reasoning about the facts and about the law, a "blending of fact finding and lawmaking," because particularizing the law in individual cases is necessarily always a process of lawmaking. Though at the completion of testimony the judge instructs the jury on the meaning of the law in general, it is evident that a verdict of guilty or not guilty requires the jury to determine both the facts of the case and the particular application of the law to the facts. As juries are now constituted, with a personnel summoned from all sorts of occupations—businessmen, mechanics, trolley-car conductors, janitors, clerks, stenographers, housewives, and farmers—unknown to one another, unaccustomed to the machinery of the law, and often inexperienced, it may be seriously questioned whether the average jury is at all competent to exercise the twofold and highly complicated function that legal usage requires.¹⁵

Thus, a few years back, a well-known federal judge in dismissing the jury at the conclusion of a case that had evoked wide interest voiced this caustic reproof: "You will now go home with the satisfaction—if it is a satisfaction—that you have rendered a blow against law enforcement and given aid and encouragement to the people who flout the law." The case was that of a notorious gangster, with a long and unsavory record, who was indicted for income-tax evasion. To the judge the evidence of guilt was conclusive. The jury, however, was like putty in the hands of the suave and dapper gangster and his astute attorney. During the trial the gangster assumed an air of injured innocence and smiled ingratiatingly at the jury, and his attorney used every trick of oratory likely to appeal to the emotions of the jurymen. The jury "fell for it" and returned a verdict of "not guilty." To the judge the verdict was a miscarriage of justice, but

¹⁵ See Frank, *Law and the Modern Mind*, Appendix 5, "Notes on the Jury," pp. 302-3. See also chap. xvi for discussion of jury competency.

PENAL JUSTICE AND LEGAL METHOD

from those who crowded the courtroom it brought resounding applause.¹⁶

It is the commonness, the almost everyday occurrence, of jury verdicts more or less of this character that gives point to the instance cited. Confronted by a task not fully understood and unequipped to analyze the facts of the case or to particularize the judge's instructions, the jury simply decides that it wants Smith punished because he promised to marry Miss Jones and failed to keep his promise; or that the sour-visaged cashier in the bank malfeasance case probably deserved to be punished for his sins if not for the crime alleged; or, as in the Dutch Schultz case, that such a "good fellow" as the accused, even if he did play a sharp trick in dealing with government officials, should not be punished. This sort of verdict making is all the easier because no one is permitted to know the process by which the jury has reached a decision. It is required simply to announce the verdict, "guilty" or "not guilty"; and, when announced, the court is without power to revoke it.

All this does not necessarily mean that the jury system should be abolished, but it clearly indicates that safeguards should be thrown about the system to make it function more effectively. In the selection of jurors adequate steps should be taken to exclude incompetents from jury service and greater emphasis should be placed upon intelligence and responsibility. Thus the editor of an important national publication, summoned for jury service in a case that commanded nation-wide interest, relates that in the process of combing the jury list he answered satisfactorily all the cross-questions in regard to his career, but at the moment he seemed about to be placed in the jury box it was accidentally disclosed that for two years he had been an instructor at Harvard. As a result he was immediately challenged and disqualified. Somewhat similarly, in the selection of a jury for the trial of an exciting midwestern case of recent date, an oxlike individual from a back-country district who testified that he had not read a book or even a newspaper for more than a dozen years was placed in the jury box unchallenged after several responsible and highly respected members of the community had been disqualified. These episodes no doubt are extremes but they serve to exemplify the general proneness of trial attorneys

¹⁶The judge was Frederick H. Bryant and the case was the Dutch Schultz trial in 1935 in a federal district court. An editorial foreword in *The Forum and Century* (October 1935) presents the essential facts of the trial.

CITIZENSHIP AND THE NEW DAY

under our system of jury selection to be wary of men and women of more than average intelligence.

Besides the need of better usage in the selection of juries is the need of devising a more effective method than the customary "instructions to the jury" for the judge to participate in "the blend of fact finding and legal reasoning" that is presupposed by the general verdict. Why should not the jury be required to keep a record of its deliberations, later to be reviewed by the judge? Why should not the judge, in penal as well as civil cases, have authority to order a new trial if he finds that the verdict has been determined capriciously, without proper analysis of the facts in the case or proper understanding of the law? To the lay mind it would seem that a procedure giving to the judge a measure of control over the verdict necessarily would make for jury competence and therefore could not fail to contribute substantially to the process of penal justice.

5

Still another significant criticism as reflected in current thinking relates to the ideal of "fair and just punishment." The Constitution merely affirms that "cruel and unusual punishments" shall not be inflicted.¹⁷ This provision raises important and far-reaching questions. Why has the state a right to punish? What are the proper aims of punishment? What constitutes "fair and just punishment"?

Under the compact theory of government, which still colors much of our thinking, the right of the state to punish was explained on the ground that in a state of nature, before civil government was developed, men as individuals had the right to self-defense and self-vindication so that when wronged they might properly revenge themselves upon the wrongdoers. When, however, civil government came into existence it necessarily assumed the prerogative of avenging individual wrong, and in consequence the right of civil government to punish is merely the sum or equivalent of private rights of vengeance which men as individuals originally possessed. To the modern mind this concept of punishment as vengeance is repugnant. As expressed by T. H. Green, "the state cannot be presumed capable of vindictive passion." Since the essence of crime is a wrong done to society, it cannot be requited by the punishment of the person committing it. Even if a hurt done to an individual could be requited by the infliction of a like hurt upon the person who does it, it is

¹⁷ Eighth Amendment to the Federal Constitution.

PENAL JUSTICE AND LEGAL METHOD

evident that no equivalent of wrong done to society can be paid back to the doer of it.¹⁸

Therefore, the right of the state to punish must rest upon some other and deeper ground. That ground is the responsibility of the state as the guarantor of the rights which collective experience shows to be essential to individual self-realization and to the achievement of the common good. That responsibility is discharged only by the vindication of the right or rights which have been violated, and the creation in the mind of wrongdoers, and in the minds of other members of the community as well, such a respect for those rights, such a sense of their importance and even sanctity, that they will be constrained to take a proper attitude toward them and be deterred from further violation of them.¹⁹ Only the punishment that looks to these ends is fair and just. And whether punishment really does look to these ends is determined by the measure of conformity to certain fundamental concepts.

First, the system of rights which the state undertakes to maintain, says Green, must represent genuine human rights. Thus the shooting down of revolutionists who attempt to overthrow a government may be effectual in putting an end to the revolution but it may not at all satisfy the true aim of punishment because it may not at all be necessary to vindicate genuine human rights. Second, a punishment to be fair and just must not be out of proportion to what is necessary to maintain the right that has been violated. Third, a punishment to be fair and just must have due regard for the mental capacity of those who are punished, whether or not they are capable of a practical understanding of the nature of rights as based upon considerations of the public good. And, fourth, punishment to be fair and just must take account of "the reversionary rights of wrongdoers," that is the possibility that under proper treatment the wrongdoer may revert to a state of mind and to a social attitude that would make him a safe and useful member of society.²⁰

The application of these principles, which more or less obtain in all civilized nations, necessarily raises many complex questions. One of the most difficult of these relates to capital punishment. That an extensive body of opinion in America favors the abolition of capital punishment is shown by the fact that seven states of the Union have

¹⁸ *Principles of Political Obligation*, p. 181. It is clearly the democratic state that Green has in mind; see also Rousseau's *The Social Contract*, I, viii; II, v.

¹⁹ See Green, "The Right of the State to Punish," *op. cit.*, pp. 180-83.

²⁰ *Ibid.*, pp. 185-203.

CITIZENSHIP AND THE NEW DAY

taken such action. It is evident, however, that even in the most thoughtful circles there is great confusion of judgment as to the norms that should be decisive in determining public policy with respect to capital punishment. Thus, at a public meeting of the recent past, the question was discussed by the chief justice of a state supreme court, a distinguished lawyer, a minister of international reputation, and a college president. Paradoxically, as it seemed, the chief justice and the lawyer expressed themselves in favor of abolishing capital punishment while the minister and the college president were opposed. Significant, in view of this obviously confused state of public mind, are two historic statements, one by Rousseau and the other by Green. "The frequency of capital punishment," says Rousseau, "is always a sign of weakness or indolence in government. There is no man so worthless that he cannot be made good for something. We have a right to kill, even for example's sake, only those who cannot be preserved without danger."²¹ "Punishment either by death or perpetual imprisonment," said Green, "is justifiable only on two grounds, either that association of the extremest terror with certain actions is necessary to preserve the possibility of social life based on the observance of rights, or that the crime punished affords a presumption of a permanent incapacity for rights on the part of the criminal."²²

Another question growing out of the concept of reversionary rights is that of appropriate methods of restoration. For more than a century the problem of restorative methods has been under consideration. At an early period, following the action of Pennsylvania in 1794 in limiting capital punishment to premeditated murder, the so-called Philadelphia System under which convicts were consigned to solitary confinement with nothing to do except to read the Bible was tried. The system was based on the theory that the way to reform men was to force them to think right. The fallacy of the theory was revealed by the appalling amount of insanity and suicide that followed. Then came the Auburn system that called for plenty of hard congregate work, silence at all times, and solitary confinement when not at work. The theory was that virtue can be enforced, that right habits can be established by rigid discipline, that if the convict can be made to behave properly when he is not free he will continue to behave properly when he becomes free. Though this system was widely adopted and still is widely used, it has never worked satis-

²¹ *The Social Contract*, II, v.

²² *Op. cit.*, p. 205.

PENAL JUSTICE AND LEGAL METHOD

factorily and never can because all its premises are wrong. Coexisting with the Auburn plan, and used in many prisons chiefly in the West, is the honor system based upon the idea of promoting good behavior by the promise of reward. In actual operation this plan, without question, has done much to improve the conditions in penal institutions, in particular by mitigating the harsh treatment that once was deemed necessary. But grave defects in the system have been revealed, the greatest of which is that it seems better adapted to the making of good prisoners than to the making of good men and good citizens. The prospect of a better cell, less arduous work, participation in outside recreation, and early parole may be sufficient motive for the convict to watch his step and even to ingratiate himself with the warden by serving as a "stool pigeon." Good conduct, however, resulting from a purely *quid pro quo* arrangement does not necessarily mean genuine reform. Criminologists of wide experience declare that unless the convict has learned to respect right because it is right and to do it on his own initiative he has not taken even the first step toward rehabilitation.

The sounder and more constructive plans and methods in the interest of restoration now in ever-growing use are the Mutual Welfare League, the systems of parole, probation, and classification. The Welfare League calls for the organization of the whole body of prisoners in a given prison unit into a self-governing community with the responsibility of making and enforcing its own laws and in general carrying on in the same manner as ordinary society. Adequate work is provided, and also adequate recreational and educational opportunities. And the warden, within the limits allowed by law, co-operates with the convicts as adviser and friend. Said Thomas Mott Osborne, after years of experimenting with the Welfare League:

The System, of course, does not work equally well in every case, but like every other system it has a driving force in a certain direction, and that drive is toward righteousness. As a result of its operations prisoners find it easier to be honest; easier to be law-abiding; they find their self-respect restored as their belief in their own essential manhood grows; they feel responsibility for the acts of the community as well as for their own individual acts.²³

Parole and probation are much alike in principle, and the principle is entirely sound. Parole is a treatment method applied to

²³ Osborne's summary of his *Society and Prisons*, pp. 224-30. Osborne was for many years warden of Sing Sing Prison.

CITIZENSHIP AND THE NEW DAY

certain classes of offenders after a portion of their prison sentence has expired. Probation is the suspension of final judgment, giving offenders an opportunity to improve their conduct under the actual conditions of community life. The purpose of both systems is rehabilitation and the presumption is that certain classes and types of wrongdoers, with the counsel and guidance of proper officers, stand a better chance of recovery under the ordinary conditions of social life than is possible under the conditions of prison life. Both systems are used extensively. Statistics compiled by the national government show that above 40 per cent of prisoners discharged annually from state and national prisons and reformatories are placed on parole; and that above 30 per cent of those annually convicted in state and national courts are placed on probation.²⁴ Whether such extensive use of these systems is justified by actual results it is perhaps not now possible to determine. There is public complaint in abundance, and substantial data has been gathered indicating results that are disappointing.²⁵ The belief, however, is well grounded that failures in the workings of these systems which now appear are the result of maladministration instead of defect in the basic principles.

The classification of convicts is an innovation that aims at individualization of treatment. It is made by experts in the field of criminology, and on the basis of thorough and frequent diagnosis treatment is recommended which best fits individual cases. In the judgment of many competent students the method of "classification and individualization" of cases represents the most significant trend in the interest of criminal restoration. So far developments on these lines have been greatly hampered by the lack of facilities in penal institutions. This, however, is a situation that will be corrected as the public learns to think of prisons primarily as educational and restorative institutions.

In viewing the whole picture of legal method in the interest of penal justice, from the moment of indictment, through trial and sentence, to prison and back to community life, terrible blemishes appear. There is so little to occasion pride or to stimulate enthusiasm and so much that is depressing. The blame rests squarely on the citizenry. The faults of our system of penal justice have long been

²⁴ See "Prisoners in State and Federal Prisons and Reformatories," U.S. Department of Commerce, Bureau of Census, 1936, 1937, 1938; "Judicial Criminal Statistics," U.S. Department of Commerce, Bureau of Census, 1938, 1939.

²⁵ Studies conducted by Sheldon Glueck and Eleanor T. Glueck under the sponsorship of the Twentieth Century Fund.

PENAL JUSTICE AND LEGAL METHOD

recognized and competent writers have presented them in terms that should have commanded general interest and stirred to effective action. The apathy with respect to penal justice, resting like a pall over the entire nation, is not at all to the credit of our democracy.

Three great tasks in the interest of penal justice are now pressing upon us. The first is to work out and put into effect a simple and sensible practice act and criminal code. That is just what England did in 1875. A distinguished American lawyer with large experience in connection with English courts once declared that for simplicity, directness, and speediness of trials and fairness of decisions the English system is the best that the wit of man has ever devised.²⁶ The second task is to organize and to develop adequate institutions for crime prevention.²⁷ And the third and most fundamental is a more determined and enlightened grappling with the whole great problem of correcting the social conditions that make for crime and the production of criminals, because the civilized community must and will in the end, if the civilization is genuine, squarely face the fact that criminality in all its hideous phases and complexities is the direct precipitate of the entire associated life.

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²⁶ Thomas Learning in *A Philadelphia Lawyer in the London Courts*.

²⁷ American organized efforts for crime prevention are described by Nathaniel Cantor, in *The Annals of The American Academy* . . . , September 1941. The study shows that these efforts are exceedingly chaotic, and to that extent ineffective.

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Chapter XI

The Reintegration of Democratic Concepts

Democracy marches—at least it can be marching. It is very salutary for us to have to clear our thoughts on the direction which the march of democracy is taking and the methods by which its future advance is to be achieved.

—JULIAN HURLEY

To paraphrase Comenius we may say that only by becoming a citizen does one become a man. And human rights are whatever the changing activities of organized living require of human reason that they should be.

—ALEXANDER MEIKLEJOHN

What is wanted today is not a destruction of the great work of the Constitutional Convention, but rather its logical completion and revision in the light of modern needs.

—WILLIAM YANDELL ELLIOTT

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1. POSITIVE AS AGAINST NEGATIVE GOVERNMENT
 2. PUBLIC PURPOSE VERSUS PRIVATE EFFORT
 3. PRODUCTION FOR NEED INSTEAD OF FOR PROFIT
 4. SOCIAL SECURITY VERSUS PRIVATE CHARITY
 5. ELASTIC INSTEAD OF RIGID POLITICAL FORMS
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IN A REAL sense democratic society is always "a become and a becoming." At any given time there is "a become" of governmental machinery, legal concepts translated into statutes, and a system of ideas. And there is always modification of some sort in process, brought about by new situations, conditions, and pressures that represent "a becoming." The "becoming" does not necessarily spell progress. It may and often has represented retrogression, and even aberration.

In the case of virile and progressive societies this "becoming" in general means progress. In normal times, or in times that seem normal, change is gradual, in response to a slowly expanding life. The times, however, are not always normal. For reasons never fully understood, great disruptive forces are generated even while the outward conditions and arrangements of society in general evoke satisfaction. Under the pressure of these forces change is accelerated to such a degree that we call it revolution.

CITIZENSHIP AND THE NEW DAY

We are now living in such a period, and possibly witnessing only its beginning. "The shape of our inherited social, economic and political ideas and usages is changing so rapidly that even the textbooks and treatises of a year or two already seem more or less archaic."¹ Doubtless some of these changes are only temporary responses to conditions that must soon disappear. Others, just as surely, represent distinctive and desirable trends of democratic thinking and conviction, and are therefore likely to endure. American society is now "in mid-passage"; hence it is not surprising that our thinking should present many contrasts and even contradictions, such as the concepts of positive as against negative government; public purpose versus private effort; production for need instead of for profit; social security versus private charity; elastic instead of rigid political forms.

1

Distrust of government is a characteristic American inheritance as it is of most democratic societies. It resulted from the long struggle with arbitrary governmental power, which by reason of its very nature is always hostile to free life and expression. This inherited distrust is voiced in the time-honored and widely accepted view that "the least government is the best." In consonance with this view, the constitutions of all modern democratic states were drafted with the purpose of strictly defining and rigorously limiting the powers of government. Our own national and state constitutions place as great or greater stress upon what government may not do than upon what it may do. Up to very recent years the thought of most Americans with respect to both national and state government was to maintain a minimum of power and attributes. Legislation was to be limited, because the more the laws the worse for the public interest—*plurimae leges, pessima república*.

In this negative view, government has no positive purpose of its own. It initiates no activities. It only limits and regulates the activities which other institutions are carrying on, "like the leader of an orchestra who plays no instrument and makes no music, but who serves to keep the other players who do produce in unison with one another."² Thus the chief function of government is that of policeman. Its purpose is not positive, but negative and preventive. Though in American practice it is evident that this negative view of government never has been strictly followed, it has exerted a power-

¹ Lerner, "Toward an Affirmative State," *The New Republic*, June 8, 1942.

² Dewey, *The Public and Its Problems*, p. 6.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

ful and, on occasion, a sufficiently dominant influence to prevent any positive or constructive action.

During the last quarter of the nineteenth and the first quarter of the twentieth century the concept of positive government, in the sense of interventionism and regulative measures, definitely captured the thinking of an ever-growing section of the citizen body. With the dislocations caused by the great depression of the thirties and the coming of the New Deal, the idea of positive government began to be applied in ways that evoked vigorous protest on the ground that such use of government was a violation of the Constitution, a departure from the American way of life, and essentially a betrayal of the democratic ideal. This use of the positive idea of government during the depression years, followed immediately by a government-controlled economy made necessary by the outbreak of war, has created issues which are profoundly disturbing and certain to figure in American politics for many years to come.

In view of the disturbed situation and the uncertainties as to sound public policy which now exist, the broad principle confidently may be asserted that any use of government is justified that the changing conditions and the needs of free men at any given time require. That use, however, must be determined by the governed for themselves and not determined for them. In other words, decision as to fundamental policy must proceed from the electorate at the base and not from officials at the top. The growing complexities of modern society clearly require a more positive and dynamic use of government than was deemed necessary under the relatively more simple conditions that existed even a quarter of a century ago. So long, however, as the decision lies with the duly constituted electorate under conditions that admit free discussion and the free expression of opinion, any use of government is entirely democratic. It is only when the citizenry become passive and placidly accept new and unfamiliar uses of government by imposition that peril looms.³

2

The consideration of public purpose in relation to private effort is merely to transfer the discussion from the sphere of the abstract

³ A pertinent example of this peril is presented in the characteristic action of administrative divisions, bureaus, and commissions. These agencies deal mostly with technical questions which are not widely understood and therefore arouse little public interest. Unless carefully supervised by some agency subject to popular control they move in ways that separate operating government from the popular sources of power. Obviously such a separation presents a real threat to the democratic state.

CITIZENSHIP AND THE NEW DAY

to that of the concrete. The inherited American view in regard to the relation of government to private effort in the realm of economic enterprise is summed up in the oft-repeated axiom: "More business in government, and less government in business." Extremists, like Herbert Spencer, would have precluded governmental action in the spheres of organized charity, education, and industrial regulation. Government, he said, should let poverty, unsanitary housing, and industrial maladjustments alone, because otherwise it interferes with the process of natural selection and hinders progress. For the same reason he maintained that government should not even operate a mint or own a post office, or erect a lighthouse or a lifesaving station. All this should be left to private effort.⁴

General opinion, in either England or America, has never been so extreme. Nevertheless, the business interests in both countries have continued to insist that the whole sphere of productive industry belongs to private effort, and that apart from a few regulatory measures government should keep out. Throughout the Second World War, with its rigidly controlled economy, the insistence has been continuous that at the close of the war free enterprise in the sense of *laissez faire* must be restored. In the words of an influential business publication, "Hardly any meeting of business men is held these days at which some speaker does not stress the responsibility of business men to maintain a system of free enterprise."⁵

Apparently the significance of what occurred during the period covered by the Harding-Coolidge-Hoover administrations is not yet fully understood by influential business groups. At the close of the First World War, the desire of our citizenry with respect to economic enterprise was made very clear. They wished to recover the conditions that had meant peace and prosperity before the war but which had been seriously disrupted during the progress of the war. That, at bottom, was the meaning of the election to the Presidency of Mr. Harding and Mr. Coolidge. The outlook of both men was wholly in line with the prewar concept that the operation of the economic system was the sole prerogative and responsibility of free private enterprise. The attitude of the people at large, as shown during this period, was determined not by any theorizing about the merits of a free economy versus a controlled economy, but by the fact that the

⁴ See *Essays, Moral, Political and Aesthetic*, chaps. xxv, xxix.

⁵ *Southwestern Banking and Industry*, November 1942, Address of William P. Withers before the annual convention of the National Association of Manufacturers.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

old order had worked well enough to provide the standard of life to which they had become accustomed and with which, on the whole, they were content.

By 1928, when Herbert Hoover was elected president, the old order seemed to be firmly re-established. But in reality collapse was near, and it came with startling suddenness during the first year of the Hoover administration. Responsibility for the collapse cannot fairly be attributed to anything that the President did or failed to do. It stemmed back to the economic dislocations caused by the First World War. The world-wide system of production and exchange of which our American economy was a part was bound up with the concept of free enterprise that came into vogue in the opening years of the nineteenth century and up to the outbreak of war in 1914 commanded universal adherence. It was natural and inevitable that the international system would be disrupted by the war and the events of the decade following showed that it could not be restored.

Confronted by the chaos of business collapse that occurred with the opening of the thirties and proceeded from bad to worse, a new public purpose came to birth and was clearly expressed in the presidential election of 1932 and reiterated in the elections of 1936 and 1940.⁶ That purpose meant, essentially, the use of government to maintain a workable and satisfactory economy. It meant neither repudiation of free enterprise nor endorsement of particular New Deal methods, but a mandate for the government to utilize the best wisdom available to recondition the economic system and to make it serve the public need. Thus to all the other duties of government—the enforcement of law and order, the protection of liberty, and the maintenance of justice—is now added the duty of preventing unemployment, of assuring a reasonable economic standard for the people, of “maintaining the continuity of an ordered economic life.” Henceforth no national administration that fails to assume this responsibility and to discharge it in a reasonably creditable manner will be allowed to continue in power.

Therefore, this new public purpose must be integrated with the inherited concept of private enterprise. During the process of integration, it is safe to assume that collective effort through government will be used increasingly to handle great industrial projects,

⁶ In justice to President Hoover it should be noted that he fully recognized the nature of the economic crisis that had broken and the responsibility of the government in view of it. He took immediate and vigorous steps to organize efforts to meet the situation. Experimenting and delays were necessary, but the crisis was so acute that his political opponents were able to capitalize on the delays.

CITIZENSHIP AND THE NEW DAY

either because the interest that is necessary to stimulate private enterprise is wanting or because the particular projects appear too vast and too important to be left to private enterprise.⁷ How much of the vast sphere of industry eventually will be left to private effort will depend entirely upon the measure of success achieved by business interests in serving the public need in the years immediately ahead. That businessmen are coming into a new realization of the social responsibility involved in economic enterprise is now evidenced by the emphasis of business gatherings throughout the nation. This new sense of social responsibility, if it continues, may well mean a new lease of life and large opportunity for private enterprise.

3

Production for need instead of production for profits is today a growing demand, voiced by a thoughtful and responsible body of our citizenry and not merely by radical groups. Historically "profits and more profits" have been the invariable accompaniment of the system of free enterprise. It is, therefore, not surprising that profit as an inherited concept is deeply ingrained, so much so that profit-getting is fundamental in the mores of our time. What are profits? They are not reward for services in the form of wages, salaries, or fees. Every worker deserves a fair return for services rendered. And profits are not rent, or interest, or a proper reserve to cover replacements, insurance, or other necessary fixed charges. Profits are the variable surplus that remains after all the necessary charges are paid.⁸ Thus defined, it is evident that a vast amount of business, especially small business, is carried on without profits. And in times of recession it may be necessary for all business to operate without profits. Yet the evidence is indisputable that from generation to generation the profits of American business have been enormous, and instead of being shared by all parties to the business setup, they have been appropriated, largely, by one party.

So powerful, indeed, is the "profit-getting" motive that in many instances the public interest has been disregarded by the powerful promoters of business and the public virtually has been placed

⁷ See Copeland Douglas, *Australia in the World Crisis, 1929-1933*; and Lippmann, *The Method of Freedom*; for a discussion of the new responsibility of democratic government to maintain a workable economy that emerged in the decade following the First World War.

⁸ See Davis, *Capitalism and Its Culture*, p. 224. Mr. Davis's discussion of profits is illuminating and substantially correct, but it seems a bit extreme. See also Peter F. Drucker, "Your Stake in Business Profits," *The Saturday Evening Post*, Sept. 23, 1944.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

under tribute. It is now widely recognized that for a full year before Pearl Harbor and for more than a year after, American war preparations and war efforts were seriously cramped by the tactics used by business interests in order to conserve profits. Business morale was not in step with the new immense needs projected upon the nation as a result of the war crisis. Various large industries got control of patents and used that control to shut out new producers; and to prevent needed foreign supplies of vital raw materials from getting into America huge international cartels were organized. When patents could not be secured, contracts were made and combines formed to choke what in business parlance is known as "distress production," by which is meant any expansion of production and distribution occasioned by lower prices. Even the groups made up of smaller business interests, during this period, displayed their subservience to profit-getting by entering into agreements and organizing combines to stabilize production, distribution, and prices and to keep business confined to an established ring.⁹

The greater damage, however, that is resulting from this undue emphasis on profit-getting is the impregnation of our whole society with the spirit of acquisition. Our textbooks, our education, our newspapers, even church and family life, reveal acquisitive habits and reflect materialistic standards which obscure and often enough obliterate the essential values of the civilized community. Generation after generation of American young people have learned to think of money-making as the *summum bonum* of achievement.¹⁰ For nearly half a century, colleges and universities, through their replete business courses and the type of instruction offered, have done their part to foster this spirit. Eminent English teachers visiting American institutions during the past twenty-five years repeatedly have expressed surprise at the overwhelming interest of American students in courses designed to prepare for business pursuits and the corresponding lack of interest in the more general cultural courses. This situation means that American education has been thrown out of balance by the overemphasis on the profit motive. That balance must be restored if the vital interests of democracy, properly, are to be served.

Two chief arguments are put forth to justify the emphasis of business interests upon profit-getting. One of these is that under a system of free enterprise there must be an adequate supply of capital

⁹ See Arnold, *Democracy and Free Enterprise*, chap. i; "The Crisis in Washington," *Harper's Magazine*, December 1942, p. 6.

¹⁰ See Davis, *op. cit.*, p. 241.

CITIZENSHIP AND THE NEW DAY

if business operations are to continue on a scale to provide for the economic needs of the population. The other is that there must be adequate incentive for men to engage in business operations, and that incentive is supplied by the prospect of profits. To be sure, there must be sufficient capital to carry on business operations. But is it inevitable that the wealth which provides necessary business capital be stored up in a comparatively few rich families and perpetuated through a leisure class whose chief distinction is their extravagant consumption?¹¹ Could not wealth be far more widely distributed and still subserve the needs of business? The splendid record as reported by savings banks, building and loan associations, life insurance companies, institutions built primarily on the small savings of millions of people out of shockingly meager incomes, is proof enough that the generality of Americans, with a little training and experience, are entirely capable, if given the opportunity, of conserving the wealth needed to finance business enterprises.

The argument that the incentive of profit-getting is necessary to induce men to engage in business operations is essentially a denial of the capacity of a large and important group of American citizens to rise above the level of acquisitiveness and to share the motives that the democratic community presupposes. If the argument is true, Peter Drucker's announcement of "the end of economic man" is the merest babble and the vision of a really democratic state is, after all, a senseless dream. But the argument is not true. The example of millions of people, teachers, ministers, social workers, nurses, a growing body of technicians of various sorts, research scholars in many fields, numerous minor government officials, and many small businessmen, who help to carry on the work of civilization devotedly and efficiently, expecting only a competence and often receiving less, are substantial proof that there are other incentives for work besides profit-getting. It is not meant to suggest that profits have no place in the economy that is now on the way, or that men are to cease to be ambitious, or that ability and outstanding achievement are to be unrewarded. It is suggested, however, that the profit motive must be subordinated to the social motive, that the customary thinking of business operations as a struggle for profits must give place to the habit of regarding business as a social service, as definitely so as any other occupation or pursuit. The new growing concept of produc-

¹¹ See the revelations of Frederick Townsend Martin, an outspoken member of the "idle rich," as reported by Beard in *The Rise of American Civilization*, II, 808. Martin's revelations appeared first in *Everybody's Magazine*, March 1911.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

tion for need points directly to this goal, and it is a phase of the democratic ideal that will be achieved as the democratic ideal is achieved.

4

Another striking contradiction that must be resolved grows out of the nineteenth century concept that our economic system cannot be fitted to the democratic ideal, that to ensure progress economic forces must be allowed to work in their own way. If the workings of the system bring periodic unemployment and consequent suffering, if the economic needs of a large section of the population cannot fully be supplied, if there is surfeit for a few and want for many, these are conditions that cannot be rectified. They represent social gaps that our free economy does not and cannot cover.¹² The prosperous elements of society, however, were not insensible of these gaps. The spirit of *noblesse oblige* had been developing slowly for many generations and during the nineteenth and the early part of the twentieth century it rose to its highest effort to fill these social gaps. The immense bounties in the form of palliatives and remedial activities supplied by the business community in general has something magnificent about it. It is a phase of our social development that should not be underrated or ridiculed.

Yet the system of private benevolence was never adequate or satisfactory. It provided an easy way for acquisitive-minded and ruthless men to conceal unsocial conduct behind a mantle of beneficence. Like Robin Hood, who could offset his robbery of a "fat abbot" by a gift to a "poor widow," many a heartless exploiter by reason of numerous charities was able to figure as a public benefactor. This was made possible by the general social outlook engendered over a long period as a consequence of a defective economy. This outlook is now rapidly disappearing. The emergence of new social concepts, partly as a result of the long discussion projected by Marxian socialism, are creating a new outlook and attitude. Millions of people, not only of the rank and file, but among statesmen, scholars in the field of the social sciences, educators, clergymen, and even among businessmen, are coming to feel that our economic system

¹² In the second of his Twentieth Century Fund books, Stuart Chase submits data to show that in 1940 forty-five million American families lived below the diet danger line and the average cost of the meals eaten by twenty million families was five cents each. Further, that of all Americans twenty-five years of age or older, 60 per cent have never gone beyond grade school. These are some of the gaps that our economic system did not cover.

CITIZENSHIP AND THE NEW DAY

should cover these familiar social gaps; and that with a few important alterations in the mechanism of the system and in the methods of administration, plus a new social motivation, the system can be made to cover these gaps without sacrificing the essential principles of free enterprise. It is something, at any rate, that such an achievement is now envisioned and that millions of citizens in every democratic nation are thinking of it as the next forward step in the march of democracy.

The comprehensive social security programs now before the British and American governments and peoples are significant illustrations of the growing trend of democratic thinking in both countries. The British program, known as the Beveridge Plan,¹³ is a definite proposal, largely but not wholly on an insurance basis, to guarantee subsistence and therefore to relieve indigence and want throughout the nation. Its essential features are: (1) insurance coverage, not merely for industrial employees, but for all classes of workers, including independent businessmen, farmers, household servants, and housewives; (2) provision under one governmental agency for a cradle-to-the-grave program that includes maternity, marriage, health, disability, unemployment, old-age, and funeral benefits; (3) cover costs by employer-employee payments on a 40-60 basis; (4) additional appropriations from the national exchequer to the extent of 32 per cent of payments made to support the present social security program. The plan assumes that the chief cause of want is lack of income, lack of jobs at decent wages, with other contributing factors such as "disease, ignorance, squalor, and idleness." The beneficiaries of the plan might still suffer great evils, but they would be kept alive and they would not suffer destitution. They would get a restricted dietary allowance, minimum bodily covering, a roof over their heads, and enough medical attention to keep them going as human beings; but they might still suffer a measure of poverty. In other words, the British proposal, so far as it is given definite shape, is essentially a subsistence plan.

The American proposal, known as the NRPB¹⁴ security plan, also emphasizes subsistence, but it contains features looking to a greater social end. Two provisions, one for insurance and the other for assistance, envisaging the amelioration of the worst evils of poverty in

¹³ The proposal was made in December 1942 by a commission appointed by Parliament. The commission was headed by Sir William Beveridge, one of the world's leading authorities on social insurance.

¹⁴ The Report of the National Resources Planning Board was submitted to the President in March 1943 and shortly thereafter submitted by the President to Congress.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

the nation, easily make the American proposal comparable, though with important differences, to its English counterpart. These provisions include an expanded and better regulated system than we now possess of disability, unemployment, old-age, and survivor insurance; adequate benefits, including medical care, for the destitute and helpless; and a competent public health service, to be maintained as an integral part of the economic and financial system of the nation.¹⁵

And looking further than a guarantee of freedom from indigence and want, the American program proposes a frontal attack upon the very conditions that make for indigence and want, by means of better education for all and work for all. The program recognizes that American youth is the base upon which the future of the nation must be built, and therefore that educational standards must be raised and educational opportunities equalized; that effective steps must be taken to secure the attendance of a million pupils not now in the elementary school, and two million who are not in high school, and 40 per cent of the youth of college age not in any institution of higher education. And what is more important, the program recognizes that educational preparation must open the way to economic opportunity, that government and private enterprise in co-operation must provide that opportunity, since otherwise the democratic dream can bring only disillusionment and despair.¹⁶

Naturally the ability of both Britain and America to execute such programs in their entirety will depend upon the outcome of the war and the achievement of a peace that will relieve both nations of the necessity of maintaining vast military establishments for their own safety, and that of the smaller democracies, and make it possible for them to co-operate effectively in a world program that looks to general economic betterment.

The facts show, however, that democratic thinking everywhere is moving rapidly to the support of an all-out security program. And that growth of public interest means that in due time the ideal of social security will be as much a part of the democratic point of view as popular education is a part of the democratic point of view. It

¹⁵ The insurance feature of the program would be sustained by employer-employee contributions. The balance of the program would be a public charge.

¹⁶ The fact that the American proposal includes an educational program and a work program not specified in the British proposal does not mean that the British are forgetful of these important features of a real security program. On the contrary, the British proposal assumes that educational and work programs, necessarily, will follow the adoption of a "maintenance of income" program. The new Education Bill passed by Parliament in 1944 is a long step toward an adequate educational program for Britain's youth.

CITIZENSHIP AND THE NEW DAY

means also a restoration of self-respect to the millions of dispossessed and dependent, and therefore revitalization of democratic organizations and incalculable renewal of confidence in the democratic way of life.¹⁷

Furthermore, and no less important, the coming of social security for everybody will inevitably open the way for the liquidation in some equitable manner of the contradictions in democratic society that have resulted from large inherited wealth. It is a rather curious phenomenon that American democracy, so long after it exposed and suppressed other forms of aristocracy, has permitted to go unchecked the aristocracy that gathers about great inherited wealth. Without question, the ideal of equality presupposed by democracy condemns the continuance of social arrangements which permit a small coterie to enjoy benefits and to exercise a prestige and a political influence denied to the citizenry at large. Naturally the individual is not responsible for his good fortune in inheriting great ownership, which he has done nothing to create and which gives him an immense advantage over his fellows, any more than the individual is responsible for the poverty and the impotence that he inherits. The fault is in social arrangements that allow such inequalities to be perpetrated. At the inception of our republic there appears to have been a more or less definite belief that successful individuals ought not to be allowed to transmit to their descendants personal advantages gained by them during their lifetime. This belief was powerful enough to establish a usage that cancels the hereditary privileges of descent. Hence we have no hereditary aristocracy similar to that of European countries. Many Americans now believe that the future of democracy demands that the hereditary privileges of wealth also be canceled. That would not necessarily mean the socialization of all wealth. The individualism of democracy demands property as reward for legitimate services and also as a means of self-expression. But property need not be perpetuated in amounts which in each generation give exceptional advantages to the few and thus inevitably foster an aristocracy based on wealth, the effect of which, in perverting American democratic motivation, has been exceedingly damaging and unnecessary.

¹⁷ In considering the merits of the proposed American social security program, a distinction must be drawn between the objectives of the program and the plan of administration as presented in Senate Bill 1161, which is a plan of federal administration. In this respect it differs from the proposed Educational Finance Act, which would be administered through state agencies.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

5

The question of constitutional forms flexible enough to cover the new growing needs of a vigorous and expanding society, as against rigid forms that limit the powers of government to explicit provisions and norms of legislative action sanctioned by usage, has always been much alive in the United States, and never more so than today. The demand for strict adherence to constitutional provisions is thus voiced in a recent editorial:

We have a Constitution which says there are three branches of government and that one makes the laws, another interprets them, and a third executes them. The moment any branch of the Government begins to encroach on the others to usurp powers, to bedevil the citizens by unfair or improper use of its powers, that moment a spirit of revolt is born. Government subterfuge is the practice today of those who grasp at any phrase in a law and make it the basis for the assertion of arbitrary power even though Congress has specifically refused to pass legislation on that very subject. Congress must meet the issue of stolen powers and unmoral behavior, for there must be an end to tricky government.¹⁸

On the other hand, the New Deal administration for three terms, on the ground of depression needs and war needs too urgent to wait for constitutional revisions, admittedly has taken greater liberties with constitutional provisions than any other administration in the history of the nation. This action, too, has been sanctioned by an impressive body of citizen opinion.

The fallacies that lie in both these positions, and the dangers also if they are carried to extremes, are too obvious to require discussion. Possibly the time is drawing near, as many insist, when a thorough constitutional revision should be undertaken with a view to giving it a flexibility that will permit quicker action in times of stress than is now possible under the provision for amendment.¹⁹ Meanwhile the fact should not be forgotten that the Constitution in itself, apart from legal interpretations characteristic of different periods in our history, is a living instrument of government, capable of immense adjustments to meet new needs and problems, if precedents established by the courts are not too subserviently followed.

Pertinent illustrations of the inherent flexibility of the Constitu-

¹⁸ David Lawrence, "Tricky Stuff," Editorial in *United States News*, Dec. 4, 1942.

¹⁹ Elliott, *The Need for Constitutional Reform*, chap. ix, presents a well-informed though somewhat extreme view of the need for constitutional revision. *A New Constitution Now*, by Hazlitt, is a demand for constitutional revision on the pattern of the Cabinet system. The argument is suggestive though not wholly convincing.

CITIZENSHIP AND THE NEW DAY

tion are provided by the ready accommodation of its principles to meet the problems of an economy that from period to period has undergone marked changes and that is not now and never will be static. The promulgation of the Constitution came at a time when the mercantilist economy was the pattern, not only of the new American nation, but of the entire Western world; and the existing government of that period, including the legislative, executive, and legal branches, found no great difficulty in accommodating the principles of the Constitution to the problems that were coincident with social and economic developments of the period. But the meaning of words, the state of public opinion, the conception of public policy, as well as the social problems, were all subject to change, and the interpretation of constitutional principles necessarily was accommodated to that change.

With the passing of mercantilism and the coming of the machine industry, the use of the corporation and the organization of business on a vast scale, the new economic philosophy of *laissez faire* came into play and eventually gained such ascendancy over public opinion and over judicial thinking that our economy became a system of unbridled competition, sustained by legal opinion. It was not in fact until 1905 that a dissenting opinion of the Supreme Court declaring that the Constitution does not embody any particular economic theory was rendered.²⁰ Since that date a growing body of regulatory legislation has been approved by the courts.

The conclusion is unavoidable that the common-sense judgments of the people in any period with respect to the public welfare will in the end determine constitutional interpretation.²¹ The destiny of a vigorous democracy cannot be forced into the grooves provided by the legal decisions of any particular generation. The power to govern lies in the citizenry. A healthy and vigorous democracy should and will see to it that their constitution remains a living instrument and is never frozen by legal decisions or vital features ignored and overridden by autocratic-minded officials.

Particular trends of government which at the moment require public scrutiny and the regulatory influence of informed citizen thinking are: (1) the rapid increase of executive prerogative; (2) the development of bureaucratic authority; (3) the decline of Con-

²⁰ *Lockner v. New York*, 198 U.S. 45-1895.

²¹ Thus, Justice Holmes took the position that the life of the law has not been logic, it has been experience, the felt necessities of the time, the prevalent moral and political theories, institutions of public policy avowed or unconscious.—*The Common Law*, chap. i.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

gressional prestige; (4) the limitation of judicial review; and (5) the centralization of governmental power. All these trends have been accentuated by the war situation but they began farther back, and only a decisive expression of citizen opinion can prevent their continuance after the war has closed.

In view of the complex conditions of modern society and the growing number of problems which cannot wait for specific legislation without damage to the public interest, increase of executive prerogative is necessary and inevitable. But if democracy is to be conserved, executive action in its entirety must be exercised under broad principles determined by the legislative body and not left to the discretion of the Executive. It is stated upon responsible authority²² that in the short period from January 7 to April 12, 1942, five hundred executive orders which had not been subjected to public hearings or analyzed by public debate or written in the halls of Congress were issued by the President. It is claimed that many of these orders represented an unwarranted expansion of authority by interpretations of statutes in ways not contemplated by the legislative body. And on the basis of these orders literally thousands of rules and regulations vitally affecting the lives of millions of citizens were issued by various executive agencies.²³ All these measures were conceived and written in private and were promulgated before those affected by them had any opportunity to comment upon them or suggest amendments.²⁴

This is a new departure in American procedure. For decades Congress has been giving power to the executive to make rules and regulations with the force of law within definite limits, but not to expand by interpretation the authority conferred. Congress, without doubt, is in part responsible for this development of executive law-making, by subservience and too great willingness to give away its constitutional powers. Though, as Max Lerner suggests, there has been and still is a disposition to make a fetish of the constitutional provision for the "separation of powers," yet it is certain that the principle scrupulously must be conserved in the new and vastly

²² Address by Senator Joseph C. O'Mahoney, published in the *United States News*, Dec. 18, 1942.

²³ *Federal Register*, Dec. 6, 1942, contains sixty-six executive laws, consisting in the aggregate of more than 50,000 words, which Congress never saw before they were printed.

²⁴ As construed by Justice Holmes, the legislative branch of government is the policy-making branch and must be so regarded in a democratic society. In this view Holmes follows the concept of Hobbes "that law is the public conscience."

CITIZENSHIP AND THE NEW DAY

extended executive structure that is rising if American democracy is to be "safeguarded against whimsical and arbitrary uses of executive power." ²⁵ More care by Congress in delegating power, the establishment of definite standards of governing the issuance of executive orders, and the creation of a Congressional agency to exercise direct supervision over the operations of bureaucratic bodies, would go far toward correcting the abuse of delegated power by the executive. And if these measures were supplemented by greater co-operation on the part of Congress, through its committees, with the executive, through commission and bureau heads, in determining policies and in preparing rules and regulations under delegated authority, it would do much to co-ordinate legislative and executive power and to that extent increase the efficiency of both legislative and executive branches.²⁶

Our traditional concept of judicial review likewise must be revised. It can no longer be the force that it used to be in determining economic or any other kind of policy for the nation. Since the conflict of 1935 to escape from the tyranny of precedent in interpreting the Constitution, the possibility of damage to the public interest by too rigid adherence to judicial precedent has been generally realized. Nevertheless, it is evident that judicial review must be conserved in order to protect the liberties of citizens and keep legislation from becoming a "hodge-podge without constitutional sanction, without proportion, and often without sense." ²⁷

Because of our federal system and strongly entrenched and jealously guarded state rights, the existing trends toward centralization presents, perhaps, the greatest contradiction in our political thinking that now needs to be resolved. The problem here is to concentrate as much power in the federal government as may be needed for the nation-wide tasks presented by a period of readjustment, without interference with the sovereignty of the states with respect to matters that primarily are of state concern. The difficulty at this point lies in the fact that under the Constitution the powers of the states are residual while the powers of the nation are delegated; in other words, the states, each severally, retain all the powers of government which have not actually been delegated to the nation. However, as a result of economic, social, and political developments, numerous

²⁵ "Toward an Affirmative State," *op. cit.*

²⁶ See address by Senator O'Mahoney, *loc. cit.*

²⁷ As conceived by Judge Holmes, the business of the Judiciary is not to determine policy, even under cover, but to keep policies in line with constitutional principles. —*Collected Legal Papers of Oliver Wendell Holmes*, pp. 295-96.

THE REINTEGRATION OF DEMOCRATIC CONCEPTS

conditions and problems of real concern to government, which were local and limited in scope when the Union was established, have now assumed a nation-wide significance. Thus our economy in almost every respect has become a vast and interdependent structure that reaches its dynamic hands into the remotest corners of the nation. Likewise the social order, including its most urgent problems, no longer exists piecemeal but is national in character and calls for unified direction. Consequently, our present setup in regard to the respective boundaries of state and national powers is more or less anachronistic. It is absurd to have forty-eight different sets of traffic laws, labor laws, laws to regulate public utilities, banking, and similar phases of business activity, and even divorce and criminal laws.

Under the "general welfare," commerce, and taxing-power clauses of the Constitution, the powers of the national government have been steadily increased, but often in ways that lack clear constitutional sanction and therefore have been resented as infringements upon state prerogative. The need, clearly, is for a restatement and clarification of these "clauses" which, on the one hand, will make it possible for the national government without challenge to deal with the problems of our economic structure and social order that are nation-wide in scope and significance and, on the other hand, will serve to discourage the national government from obtruding in spheres of action that fundamentally belong to the states.

A further and deeper need than "constitutional clarification" is to infuse the men who occupy strategic positions in public life with the sense of devotion and fidelity to democratic ideals; to make them responsive and responsible to citizen opinion by girding them with the rule of law so that in performing their tasks, whether economic or political, they will not be shackled by the power of the state which is committed to them, but will be able to use it sensibly and fruitfully for the common good.²⁸

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Chapter XII

Toward a World State and World Citizenship

For I dipt into the future, far as human eye could see,
Saw the Vision of the world, and all the wonder that would be;

Heard the heavens fill with shouting, and there rain'd a gastly dew
From the nations' airy navies grappling in the central blue;

Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the thunder-storm:

Till the war-drum throbb'd no longer, and the battle-flags were furl'd
In the Parliament of man, the Federation of the world.

—ALFRED TENNYSON

Toward you all, in America's name,
I raise high the perpendicular hand, I make the signal.

—WALT WHITMAN

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1. THE GROWING INTERDEPENDENCE OF PEOPLES
 2. THE SIGNIFICANCE OF NATIONALISM
 3. VERSAILLES AND THE LEAGUE OF NATIONS PLAN
 4. THE RESUMPTION OF WAR AND THE PROBLEM OF REORGANIZING SECURITY
 5. THE FACTOR OF INTERNATIONAL PUBLIC OPINION
 6. THE RESPONSIBILITY OF AMERICA
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DIPPING INTO the future "far as the human eye could see," Tennyson saw the "Parliament of man, the Federation of the world." What the poet saw by dipping into the future seems incredible only to those who live too exclusively in the present and have not made the effort to dip into the past. The forward look is conditioned by the backward look. We can dip into the future as "far as human eye can see" when we have dipped into the past as "far as human eye can see." That does not mean that the future merely repeats the past, that what has been is a verisimilitude of what will be. The time-worn axiom that "history repeats itself" must be accepted with definite reservations because in the social changes that occur from period to

CITIZENSHIP AND THE NEW DAY

period and from age to age there are no exact repetitions. There are striking resemblances, but there are no duplications.

Dipping into the past to determine the direction of social groupings through the centuries, we cannot mistake the fluctuating but persistent movement toward ever greater unity. The first early social experimentations were exceedingly fragmentary. Long, devious, and difficult paths were traveled by these social fragments to achieve larger unities, which were never final. The forward movement, which we call social evolution, mainly to conceal our ignorance, continued. Paths crossed and terrible conflicts and losses resulted; or they converged and larger unities were established. The outcome, as we observe it today, is the impressive array of nation states and dependencies that the human scene presents. What reason to conclude that this great unifying movement of the centuries has come to an end? Does it not seem more likely that another convergence of groups, the greatest of all time, is at hand? Possibly this is the deeper meaning of the savage world conflicts which have disturbed the first half of the twentieth century.

1

The proof that a world-wide community of interests, a world state, is not merely a poetic fantasy but a practical necessity, the all-essential condition to achieving the fullest development both of the parts, as represented by national groupings and of mankind as a whole, is the growing interdependence of all peoples. For the most part we are only dimly aware that a world-wide interdependence actually has come to pass. One of its greatest manifestations is in the economic sphere. Far back in the centuries, how far no one knows, the process of exchanging goods began. Slowly, with the growth of populations, there was increase in the volume and kinds of goods exchanged; traders multiplied, their paths crossed and crisscrossed, overstepped national boundaries, and extended into every land. With the coming of steam power, electric power, magic inventions, miraculous means of production and transportation, the process of exchanging goods and services, intercommunication, and interdependence were intensified a thousandfold with results for mankind that are greater than the imagination can fully grasp.¹

Since the beginning of the eighteenth century, when the age of science had hardly begun, a period of less than two hundred and

¹See E. R. Cheyney, *European Background of American History*, chap. ii; and T. M. Matthews, "International Trade," *American Foreign Relations*, pp. 6-8.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

fifty years, the world's population has increased from approximately 600,000,000 to over 2,000,000,000. This rate of increase, more than a tripling of the population in two centuries and a half, is attributable not to biological causes but largely to the speeding up of production and trade during the period, and in consequence the access of peoples to food supplies, clothing, medicines, and services² that previous generations had lacked. Available knowledge of population trends prior to the eighteenth century does not indicate any such rate of increase. It would seem, indeed, that over long periods population gains were slight and that often these periods alternated with others in which the death rate exceeded the birth rate. In view of such considerations, the interdependence of peoples takes on an immense significance. As a result of the vast co-operations that grow out of interdependence, both in the exchange of goods and in the exchange of ideas, millions of human beings in every land are "alive today and are kept alive" with standards of living and the achievement of cultural values which in previous ages could not even have been visioned by the generality of mankind.

Moreover, assuming the removal of nationalistic obstructions, the prospect of greatly increased economic interrelations and interdependence are in the offing. The new technical processes and materials now coming into use, guaranteeing greater and more varied production, and the unheard-of developments in transportation by airplane are certain to supply new imperatives for closer economic relations between peoples. And closer economic relations have deeper imports than the mere satisfaction of physical needs. They promote freer intercourse, better understanding, a growing faith of men in one another which is the very root of civilization. Commerce, culture, and confidence are bound together, in opposition to the petrified habits, emotions, and systems that make for nationalistic self-containedness. They point toward human kinship, integration, and unification; in other words, a world state based on world citizenship.

2

The great inhibition to the idea of a world state is unrelenting nationalism with its theory of self-sufficiency and unlimited sovereignty. The concept of nationalism is so thoroughly entrenched that we are disposed to accept it as a finality without realizing that it is a latecomer on the human stage and that its claims are supported

² Paul F. Gemmill and Ralph H. Blodgett, "The Economic Interdependence of Nations," *Economics*, chap. xxvii.

CITIZENSHIP AND THE NEW DAY

neither by reason nor by historical facts. As we know it today, nationalism covers a period of less than two centuries, although it has roots which reach further back and relate it to intellectual, social, political, and economic forces which were long in maturing and converging to a point to make its emergence possible. The intellectual movement of the seventeenth and eighteenth centuries produced a new natural science which gave a new aspect to the universe, broke the grip of clericalism, and brought about the secularization of society. In the economic sphere traditionalism was disrupted by the rise of the *bourgeoisie*, a new class with less respect for established forms and usages than the nobility or clergy, and representing, therefore, a new force striving for new things, and even claiming in its rise to represent the interests of the people generally.³

In the sphere of politics new concepts of the significance of the individual, stigmatized as leveling tendencies, appeared; political thinkers declared that government exists by the consent of the governed, and here and there the right of people to a voice in directing the affairs of government was boldly declared.⁴

Thus nationalism, as we now understand it, differs in character from the political groupings that existed prior to the eighteenth century. It represents the integration of the whole population of a country into a common political form on the basis of intellectual, social, economic, and political concepts which differentiate the modern from all previous periods. The first great manifestations of nationalism were the American and French revolutions, although simultaneous indications of its emergence appeared far and wide. Its immediate effects were to intensify the centralizing processes already begun in every land, to infuse the whole population with a new fervor for "la patrie," and thereby create a popular cohesive and disciplinary force unknown in previous centuries, but a chief characteristic of the modern nation states. Other factors, of course, which correspond to a particular territory, language, religion, common descent, necessarily enter into nationalism and help to determine its shadings, but they do not create it. It is the product, rather, of definite historical forces which slowly rose out of the past and converged in a manner to produce in the various political groups, subject to the influence of these forces, a new sense of oneness, and a new

³ See Kohn, *World Order in Historical Perspective*, pp. 66-76, for a splendid discussion of the rise of nationalism.

⁴ See John Locke, *Concerning Civil Government*, chaps. II, vii-x.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

corporate will. Thus the oath of the Swiss leaders on the Rütli creating a Swiss nationality, "For life or death we desire to be a single nation of brothers,"⁵ is more or less typical of the new, living, active, corporate will that created the modern nationalistic state. In many cases, as in the United States and France, this will was expressed in popular uprisings and subsequent covenants.⁶

Thus the rise and development of the spirit of nationalism were a force that operated powerfully to overcome provincialism and the inertia of ingrained traditions. It was therefore a progressive and liberalizing principle that inspired many peoples with the hope of a new freedom and of more humane and fruitful relations with their fellow men. But just as the rise and conjunction of certain historical forces produced nationalism, and for over a century made it a great constructive and unifying principle, so now the emergence of new world forces, produced by new social, economic, and cultural conditions, call for drastic modifications of nationalism and are moving relentlessly toward that end. Whereas the main trends of human affairs a century and a half ago were local and sectional in scope, they are now taking on the aspect of universality; and nationalism, because it conflicts with these trends, has become a reactionary and retarding force. Instead of promoting co-operation on the scale required by the new world conditions, it makes for exclusiveness and monopoly. The expanding life of man has brought world interdependence on a scale that was not even dreamed of in the period that witnessed the birth of nationalism. The great international problem today is to reorganize human societies in ways that correspond to the fact of interdependence and that more fully serve the needs that grow out of interdependence.⁷

3

At the turn of the twentieth century, in view of the developments of the nationalistic spirit, everywhere parading as patriotism, it seemed to many that a world explosion more violent than mankind had ever known was inevitable. The certainty⁸ of such a catastrophe was all the greater because in the case of a few powerful nations and

⁵ "Auf Tod und Leben, wir wollen sein ein einzig Volk von Brüdern."—Schiller's *William Tell*, Act I, scene 4.

⁶ As many as twenty-seven modern nations originated in this manner.

⁷ Developments following the First World War indicated tendencies on the part of various nations to return to the ideal of self-containedness. This was the "autarchy" so widely discussed over a period of a dozen years. Obviously it represents a backward look instead of a forward look.

⁸ See Veblen, *The Nature of Peace*, pp. 77-78.

CITIZENSHIP AND THE NEW DAY

their satellites surging nationalism was linked with dynastic traditions that reached far back in history and claimed a divine origin and sanctity that lifted these nations above and made them superior to the system of ethics supposed to govern the conduct of other nations.⁹ In the closing months of 1914 the great explosion, which we know as the First World War occurred. It is customary to explain this war on the grounds of divergent theories of government, conflicting economic interests, imperialistic policies supported by vast military establishments, and "the psychology of fear, hate and revenge." Doubtless all these factors did play important parts in projecting the great disaster, but a closer view makes it evident that all of them were resultants and expressions of the surging, militant nationalism of the time. It is of course true that all the nations participating in the great conflict were not equally guilty in causing it, and it is also true that none of them were wholly guiltless.

Though the loss of human life and treasure caused by the war was appalling and the gains were not at all commensurate with the losses, it did serve the purpose of demonstrating in terms which history will never forget that under a system of independent nationalities, each claiming absolute sovereignty and some pretending superior prerogatives divinely bestowed, the world's peace and security can never be safe. It was this conviction that gave birth to the plan of a League of Nations, the noblest effort of history to secure international comity and co-operation. Though the ideas expressed by the plan had long been in the minds of men,¹⁰ the will to organize those ideas into a covenant that would serve as the basis of a new internationalism was wanting, until it was brought forth in the tragic happenings of a world war. At one time or another, during the period of twenty years from 1919 to 1939, in which the League functioned after a manner, sixty-two nations belonged to it. The co-operation of these nations, though always halfhearted and imperfect, produced many good and lasting results, not the least of which was a fund of experience in international co-operation which may yet prove of inestimable worth.¹¹

⁹ *Ibid.*, pp. 85-88.

¹⁰ The first proposal for a League of Nations to attract wide attention was made by Theodore Roosevelt in an address in 1910 accepting the Nobel Peace Prize. Mr. Roosevelt's idea was later embodied in the platform of an organization that was known as the League to Enforce Peace. This organization was approved by many prominent people throughout the world. During the course of the First World War, President Wilson adopted and more or less recast the idea and became its most renowned proponent.

¹¹ A great many disputes between nations that might have had serious consequences

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

Nevertheless, the League failed; and the causes of its failure are thus summarized by Hoover and Gibson in their significant discussion, *The Problems of a Lasting Peace*:

(1) The survival of power diplomacy. The League was to be the instrument of co-operation and collective security. It was to replace and liquidate the old diplomacy, military alliances, balances of power, the concert of Europe. It was to be a clearinghouse of disputes that might lead to war. But it did not work out this way in practice.

(2) The inability to formulate a European policy of peaceful reconstruction. The major scene of the war in the world has always been the continent of Europe, but the League never succeeded in developing a European policy even at the moment when every European nation was in its membership.

(3) The total collapse of the force methods in practical application. The Covenant placed gigantic powers at the disposal of the League to be used when necessary in dealing with aggressor nations, but when the first real test came it failed to use those powers.

(4) The failure to secure disarmament. Though many disarmament conferences were held, the obstructive attitude of a few leading powers always made it impossible to come to real grips with the disarmament problem.

(5) The failure of effort or real intent to revise onerous treaties and thus make the readjustments between nations which the injustices of the Versailles Treaty, and other treaties marking the end of the war, and normal change constantly required. That failure permitted the growth of an accumulation of conflicts and grievances, with war as the only remaining solvent.

(6) Internal weaknesses in the structure of the League. The most conspicuous of these was the requirement of a unanimous vote of the League Council before any important action could be taken. This provision made it possible for any one of the principal Allied governments of the First World War to veto any proposed action.¹²

This analysis of the factors which operated in conjunction to defeat the plan of collective security represented by the League of Nations can hardly be improved upon, and yet there is one other factor that needs to be added. It was the recession of world interest

were in fact settled peacefully by the League, but in the field of nonpolitical activity it rendered an immense service. Its co-operative activities in behalf of better labor conditions, public health, drug regulation, treatment of minorities, intellectual co-operation, and suppression of slavery are beyond praise.

¹² Condensed from Herbert Hoover and Hugh Gibson, *The Problems of Lasting Peace* (New York: Doubleday, Doran & Co., 1942), pp. 153-75.

CITIZENSHIP AND THE NEW DAY

and the sense of world obligation that occurred in the democracies, in the face of a daily and visibly growing aggressiveness, with no effort at concealment, on the part of Japan, Italy, and Germany, and a few smaller states. This amazing attitude of the democratic nations carried with it great confusion of thinking in regard to the essential values of the League Covenant, conspicuous illusionism in the interpretation of history,¹³ a false sense of security through supineness, a disposition to placate and to compromise aggression instead of meeting it squarely, and a vast paralysis of mind and will. The United States in particular, in its astounding neutrality laws, virtually gave the "go signal" to all the aggressor powers. And the American people, in keeping with the action of their government, inaugurated a great campaign essentially isolationist and pacifist in character. Assuming that refusal to fight represented the only effective solution of the problem of war, ministers and college students by the thousands signed pledges agreeing not to participate in war under any circumstances. In the summer of 1932, under the auspices of a women's peace organization, a great peace caravan traveling in automobiles went from coast to coast holding enthusiastic meetings at strategic points along the way. In 1933 the biggest book of the world, weighing 2,330 pounds, containing a "pacifist" protest with a million signatures, was constructed and sent on a tour through twenty American metropolitan districts.¹⁴

The aggressor powers, parties to the League, were quick to observe these American manifestations and interpreting them as signs of pusillanimity they deliberately took steps to defeat the program of the League, and calculated in the end to scrap the whole program of international security. The Manchurian, Shanghai, Ethiopian, Spanish, Rhineland, and other significant episodes were carefully planned steps in the process of destroying the League.

4

The collapse of the League of Nations in 1936 and the almost simultaneous emergence of a system of aggression by a combination

¹³ The idea that peace can be maintained by isolation and pacifism, and the failure to realize that the achievement of peace means the building of international institutions to conserve peace, are certainly misinterpretations of history.

¹⁴ The organization that sponsored these "caravan crusades" was the Women's International League and World Peaceways. The National Council for the Prevention of War was formed as a clearinghouse for seventeen peace organizations. It claimed to represent twelve million members.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

of aggressor nations¹⁵ made the resumption of war on a world scale inevitable. The Second World War was not another war but a continuation of the First World War. The immediate events which accompanied the renewal of the gigantic combat in September 1937 were only superficial. The real causes were the same forces which projected the explosion in 1914, plus the amazing blindness of the democratic peoples and governments. The line-up of the nations involved was somewhat different and certain ideologic forces played a more active and influential part, but otherwise the whole background of opposing forces was substantially unchanged.

After six years of struggle, the most destructive that mankind has ever known, the defeat of the aggressor powers is now certain and the problem of a peace that will endure looms larger than ever before, because the events of the past thirty years make it incontrovertible that if Western civilization is to be saved from utter disaster that salvation will not automatically follow the defeat of the Axis powers, but must be accomplished by associated effort on the part of peace-loving nations and peoples. Never was the need of understanding and courageous citizenship so great as today because all the reactionary forces of the world, based on narrow nationalism, local primitivism, race and class hatreds, capitalist and imperialist blindness, the lack of social vision, and the sense of kinship, are now at work to restore the old order of independent and unlimited sovereignties, coupled with a security plan based upon a system of alliances and the balance of power or on the pattern of the League that failed. If this effort succeeds, it only means that in due time the great contest, and possibly as a more destructive phase, will be resumed. Writing in 1917, Thorstein Veblen declared that any compact for perpetual peace that included powerful dynastic governments would necessarily be equivalent to arranging a period of recuperation for a new onset of autocratic power because in the nature of the case no compact, no considerations of equity, humanity, decency, veracity, or the common good bind the governments blinded with the lust for power and bent on conquest.¹⁶ No more prophetic words were ever spoken, and in their bearing on the problem of lasting peace they are equally valid today.

¹⁵ The pact providing common action between Germany, Italy, and Japan was signed late in 1936.

¹⁶ In *The Nature of Peace* Veblen discusses at length and with unusual insight the problems necessarily involved in any compact between democratic governments and irresponsible governments. His references to dynastic governments apply with equal force to all autocratic governments.

CITIZENSHIP AND THE NEW DAY

Though it may be long and difficult, the only really promising road to enduring world peace is in the concept of a world state and world citizenship. The proper beginning of such a state, as Norman Angell pointed out in 1917, is a close political association of the democracies. The greatest obstacle to such an association, said Angell, is disbelief in its feasibility and our subjection to the traditions of national sovereignty and independence. Were it generally believed in, and desired, it would be not only feasible but inevitable.¹⁷ And such an association, it may be added, whereby the security of each would rest upon the strength of the whole, is necessary both for the survival of the democracies and in order to put them in a position to exercise effective leadership in the building of an ultimate world state.

Such a co-ordination of democratic nations, to be effective, necessarily would be on the basis of a charter affirming such fundamental concepts as "the essential unity of mankind"; "a world order based on a community of law within which the freedom and dignity of peoples can develop"; "the sanctity of man's personality, his rights as an individual and citizen, and his role as a partner of all other men in the common task of building a civilization"; "a creation of adequate frameworks for the exchange of cultural values, scientific and technological discoveries, and full economic cooperation"; "the renunciation of aggressive war as a policy of state"; "the settlement of disagreements by judicial methods"; and political institutions competent to activate the principles and provisions of the charter.

The institutions of an international association based on such a charter necessarily would be federalist in type with definite powers of sovereignty, however limited those powers might be, if the association assumed the character of a state, and not merely that of a league or a confederacy. Moreover, the directive authority of such an association of nations, in order to be representative of peoples and not merely of governments, would be based on popular suffrage freely exercised, free and open party systems, a free press and free discussion, and popular education. Such an association of nations would be on the pattern of American federalism, but with a more limited over-all authority, so limited that the component nations would be entirely free to develop their own cultures and to administer their own internal affairs.¹⁸

¹⁷ See *The Political Conditions of Allied Success*.

¹⁸ At the outset these conditions could not be too rigidly enforced. It would be necessary for the constitutional framework of the association to make provisions that would encourage such habits and allow proper time for them to develop.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

It is not conceivable that a world association on the basis proposed could be organized in the immediate future. Yet, in "the movement now under way to establish an international organization for the maintenance of peace and security, based on the equality" of all "peace-loving states, and open to all such, large and small,"¹⁹ it is obvious that the concept of an ultimate world association with the character of a state cannot be ignored. On the contrary, it should have a definite influence in determining the type of international organization that is set up, not only because our world is rapidly becoming a shrinking world but primarily because the common problems of mankind cannot be solved without an all-embracing association with adequate political agencies based upon the principle of representation. In other words, the initial framework of the proposed international organization, to be more than provisional and temporary, must be based upon the "long view" and not merely the "short view," it must take account of the freedom-loving spirit of mankind, and its outlook definitely must be inclusive.

Obviously, the cementing process necessary for the beginning of an adequate and working internationalism is now operative. The Moscow, Cairo, Teheran, Quebec, Dumbarton Oaks meetings and their important discussions; the prospect of similar and more inclusive meetings to come; the international conferences on relief and rehabilitation and the creation of representative agencies to serve these ends; the co-operative commissions, such as the Mediterranean, Italian, and European commissions, made up of experts representing specially interested nations, appointed to handle particular regional problems—all these are profoundly significant. They indicate a growing spirit of international co-operation that is full of promise. They also show that international co-operation to be effective must operate in different ways and through a great variety of flexible agencies. However, it is certain that various matters threatening the world's peace require handling by some competent international agency that can act speedily, because they are imperative and pressing; they call for immediate consideration and swift decision; procrastination in dealing with them inevitably brings catastrophe. This, without doubt, is one of the great lessons to be learned from the tragic world war of today.

Thus a momentous question is how to focus co-operative inter-

¹⁹ As proposed by the Moscow Conference of November 1943, and by the Connally-Vandenberg Resolution approved by the United States Senate in the wake of the Moscow Conference.

CITIZENSHIP AND THE NEW DAY

national action in a way to ensure orderly consideration of the problems of international relationships as they arise and in particular to guarantee prompt decisions with respect to the "now or never" problems which threaten disaster. Most certainly an over-all authority, representative in character, with definite but limited powers which the co-operating nations will agree in advance to support, must be set up. To leave the direction of co-operative action to the slow processes of diplomacy would result, at best, in futile patchwork efforts. To commit that direction to an organization after the pattern of the League of Nations, whose action could be vetoed by any one of the principal component nations, would be equally futile. And to commit it to the decision of a few great powers in alliance would in the end bring opposing alliances and consequent explosions.

Today as never before, not excepting the tragic period of the First World War, a common hope is welling up from the hearts of peoples everywhere for a co-operative international effort that will end war by rectifying the conditions that make for war.²⁰ This hope must not be thwarted by shortsighted and inadequate political arrangements. The system of independent and competitive nationalities, each claiming absolute powers, is now proved to be the great menace to civilization. The utmost effort must be made to remove this menace. Patchwork efforts and compromises based upon arrangements discredited by past experience will not suffice. However limited its scope of action, an over-all authority must be set up with sufficient guaranteed military power at its disposal to check attempts at aggression and sufficient moral and economic influence to correct the maladjustments which breed international wars. Such an over-all authority,²¹ supported by only a few nations, if the association were left open to all nations willing to subscribe to its principles, would look definitely toward a world state.

5

Doubtless, the greatest problem that such an association presents is the development of popular opinion and a will sufficient to call it into existence and to maintain it. Pride of place and a sense of power

²⁰ Moral sanctions, disarmament, machinery for voluntary pacific settlement, maintenance of a balance of power, special alliances, economic sanctions, consultation agreements to prevent aggression have all been more or less discredited by experience.

²¹ The fact that such an authority would have no right to interfere in the internal affairs of the component states would leave the way open in any one or all of them for the revolutionary action that so often becomes necessary in the interest of progress. And the democratic control of this authority would go far to keep it from becoming an international tyrant.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

are deeply engraved characteristics of nationalism, particularly of the great powers whether democratic or autocratic. The establishment of a world state would mean the pooling by all the nations of a measure of the power claimed by each, by agreeing in advance to submit the issues that grow out of their intercourse with other nations to a representative council or court, and to accept the joint decision of that body. This procedure would not interfere with the right of each nation to be as democratic as it might choose within its own borders. It would affect only their external relationships by introducing a fundamental democratic principle into those relationships. This would mean, at once the most daring, the most difficult, the most promising, and the most necessary task ever undertaken by mankind. But if "freedom consists in willing subjection to a worthwhile end," the building of such an international comity should not be regarded as an impossible task because the basis for it is already laid in the freedom-loving spirit of mankind. The immediate need is to discover means to arouse and to marshal that spirit and thus to create the common consciousness and will, the intellectual horizon, the world-wide human interest which necessarily are presupposed by the very concept of a co-operative internationalism.

Educational institutions, scientific and technological societies, legal associations, commercial organizations, and religious groups all have a contribution to make at this point because they occupy positions of advantage to stimulate and to correlate the educational, scientific, fiduciary, ethical, and religious forces whose co-operative action would be a mighty force in the making of a worthy internationalism. And this co-operative action is already well begun. In a few of the more advanced nations it has made definite and substantial progress. Each of these forces is now a focal point for human solidarity, from which light on the common problems of humanity and actuating power are coming in trickles that in due process are certain to become mighty currents.

It is a question, however, whether these forces operating as they do are sufficient to achieve the desired result. In his Yale lectures of 1924, on the responsibility of citizenship, the editor of the *Hibbert Journal* declared that they are not, and he made a plea for the creation of what he called a "meeting point," wholly detached from the acts and maneuvers of politicians, where the nations can hold intercourse in their true character. He suggested that this meeting point take the form of a body of "international trustees" representative of all civilized nations, and made up of men known to have the

CITIZENSHIP AND THE NEW DAY

interests of humanity at heart, whose good faith is above suspicion, who hold an established position not only in the esteem of their fellow countrymen but in the esteem of foreigners as well, men who are not in politics but have large influence outside of politics, men who understand the world in which we are living, wise, greathearted, and magnanimous, whose minds have not been diverted from the paths of justice and humanity by electioneering compromise.²²

This is a concrete and practical proposal, because there are a few such men in every civilized nation, men who, without sacrificing their national characteristics, have achieved international minds. A body of such men, appointed in some way other than by political methods, acting as an "International Court of Honor," meeting frequently to deliberate on international affairs, with no physical forces at their disposal to threaten or to awaken suspicion, presenting reports with regularity, and at dangerous moments declaring their findings upon the merits of the questions at issue, could not fail in due time to acquire an influence so weighty that any nation disposed to recalcitrance would forfeit the moral support of the world.²³ Many objections, no doubt, can be raised against this proposal, but if adopted it would possess at least two important advantages. It would provide through representation a meeting ground, disentangled from politics and from secret diplomatic procedure, for all peoples; and it would set on foot a new process of international education for all mankind.²⁴

6

For all Americans a momentous question concerns the role that America should play in the development of a world state and world citizenship. The history of our own nation and the development of our own institutions, seen in the right perspective, cast no uncertain light on this question. America as a national entity was born in the Revolution of 1775, and though the image of herself visioned at the time was blurred and indistinct, it soon began to clear. With the adoption of the Federal Constitution in 1789 the clarifying process had proceeded so far that it was commonly realized that America, in contrast to other nations, represented a fundamental difference, in that it was not the product of a common descent and of rootage for

²² See Jacks, *Responsibility and Culture*.

²³ *Ibid.*

²⁴ Such a body would be not an institution of government but merely an international advisory body.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

centuries in a circumscribed soil, but rather a realization of a deep trend of human development toward a more rational social and political order, greater individual liberty, equality, justice, and humanity. In other words, it was not a political group emerging from the dark past and still fettered by chains of tradition reaching back through the centuries, but the product of the enlightened present, and by virtue of this fact the trustee for humanity of the universal blessings of democratic freedom and opportunity.

Thus Washington, writing to Lafayette as early as 1786, represented himself as a member of an infant empire, as "a citizen of the great republic of humanity at large."²⁵ Jefferson, sharing the same faith in the universality of the democratic ideal in our political system, expressed the belief that it would prove to be "a standing monument and example for the aim and imitation of the people of other countries,"²⁶ "the signal (to some nations sooner, to others later, but finally to all) of arousing men to burst their chains . . . and to assume the blessings and security of self government."²⁷ And Madison, reflecting the same general view, declared the working out of our system of democratic federalism to be a happy thing for Americans themselves and for the whole human race, since it provided "the fabrics of government which have no model on the face of the earth."²⁸

These utterances can hardly be construed as pronouncements in favor of a world state, but they do indicate a clear recognition of the world implications of our democratic federalism. Today that recognition is widespread. In spite of the extensive aberration of isolationism, there is conclusive evidence that it is shared by a large and growing body of responsible Americans. There is at least a suggestion of this concept in the joint resolution passed by both branches of Congress in June 1910 authorizing the appointment of a Commission in Relation to Universal Peace and proposing that the navies of the world be combined in an international force to preserve peace.²⁹ And there is explicit affirmation of it in the joint resolutions passed by the legislature of Massachusetts in February 1915 and by the legislature of North Carolina in March 1941.³⁰ The Massachusetts

²⁵ *The Writings of George Washington*, XI, 58 ff.

²⁶ *The Writings of Thomas Jefferson*, VIII, 8.

²⁷ *Ibid.*, VII, 450

²⁸ *The Federalist*, ed. Henry Cabot Lodge (New York, 1908), p. 81.

²⁹ House Joint Res., June 1910, p. 223.

³⁰ Records of the legislature of Massachusetts for February 1915, and of the legislature of North Carolina for March 1941.

CITIZENSHIP AND THE NEW DAY

resolution affirmed "the supremacy of world sovereignty over national sovereignty," and requested Congress "to invite all the nations to unite in forming a world state." The North Carolina resolution was an unqualified declaration for "the federation of the world."

This recognized implication of our democratic federal system is a summons to America at this critical juncture of history to assume a positive leadership in the effort to provide at least the foundation for the only type of internationalism that holds the promise of a durable peace. The United Nations represent a substantial beginning and provide a challenging name. The great moment for undertaking such a project is now pressing hard upon us and it is not improbable that a determined effort by the United States to begin the organization of a United Nations upon some such basis as proposed would bring surprising results. It might well be that the difficulties presented would be no greater than those which had to be overcome in the formation of our federal union, possibly not as great. Many of the small nations, particularly the small democracies, would readily respond because, if never before, they must now realize that their future security depends entirely upon their inclusion in a collective system based on the concept of freedom under law and powerful enough to make it impossible for peaceful nations to be again at the mercy of adventurers.

The great nations, because of pride of place and power or because of undemocratic forms of government and rigidly controlled economics, would present more difficult problems. The British government might hesitate to accept any plan of international co-operation that involves even a minimum of surrender of "Britain's sovereign rights" but the rising tide of democratic interest on the part of the British masses could be counted upon to force compliance. The free nations of the British Commonwealth, France after her restoration, China, and possibly Russia, in spite of her dictatorship and her socialist economy, would respond readily enough to the idea of an association based on a definite though limited application of the principle of federalism. At any rate, the record of Russia as a member of the League of Nations is highly reassuring.⁸¹

Such an association of peace-loving nations, though at the outset it embraced fewer of those nations than has been premised, would constitute an impressive nucleus of a world state. If it assumed a thoroughly co-operative and pacific character, disposed to deal justly

⁸¹ Moreover, many democratic trends have appeared in recent actions of the Russian government. These also give assurance.

TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

with other nations and ready to share its benefits by receiving into its comradeship all nations desiring to enter and willing to subscribe to its principles, it can hardly be doubted that the nucleus would expand so rapidly that it would soon become a dominant political force too powerful to be challenged. In due time, also, a defeated, chastened, and reconstructed Italy, Germany, and Japan could be—and probably they would want to be—included. More and more the question of what should be done with these recalcitrant nations is assuming a commanding importance. And current discussions make clear that the trend of informed thinking is that at the proper time the Italian, German, and Japanese peoples must be given a fair and equitable chance of a safe and decent existence within the community of nations, conditional upon their decision to substitute good will for the lust of conquest. With defeat of these powers the responsibility will rest heavily upon the Allies to follow a course that will encourage in these nations a co-operative attitude. Otherwise they will become the victims of despair, driven in due course to more intense and determined aggressions, and the blood and suffering of two great wars will have been in vain.

To be sure, this discussion leaves unanswered many important questions. Its purpose, however, is merely to sketch a picture, showing in broad outline the essential character of the international problem that we face today, the historic process in which the problem is rooted, the method of procedure in solving the problem that seems most in line with the historic process, and to emphasize the responsibility of America, resulting from the implication of our democratic federalist system, to give effect to a federalist plan of international association. The world problem of organizing the nations in a manner that guarantees escape from international anarchism is one that must be solved progressively over a long period; but to solve it at all an adequate beginning must be made, and the time now seems propitious to make that beginning.

The type of international association produced by the joint efforts of the Dumbarton Oaks and the San Francisco conferences follows in principle the League of Nations pattern. Stephen Bonsal, the last survivor of those who gathered around the table at Versailles where the Covenant of the League of Nations was drafted, remarked as late as July 1944 that the talk of leading men both in America and in England at the close of the First World War was of an association of nations that entailed no impairment of national independence and

CITIZENSHIP AND THE NEW DAY

sovereignty.³² With the emergence of the San Francisco Charter it has become evident that our thinking, particularly in the case of political leaders the world over, has not advanced beyond that stage. This attitude, moreover, is entirely natural. It is only what must be expected as long as our thought of a world association is limited by the concept of a coalition or league of states which represents divergent and even contradictory principles.

The new charter without question contains many promising features, as well as others which awaken serious doubt. It represents the lowest common denominator on which agreement could be reached at the time. If approved by a substantial majority of the nations, it might well signalize a real advance in world relations. But as a guaranty of enduring world peace it cannot be taken too seriously, because it is based upon the same fundamental weakness that characterized the League of Nations—and every similar experiment of history.

The havoc of two world wars makes it evident that some agency competent to conserve the peace must be provided if modern civilization is to endure, but it is open to question whether a league of independent and sovereign states in any conceivable form would suffice as such an agency. The solution of the problem calls for a federal union of peoples as citizens rather than a league of states. Such a union, beginning with the free peoples of the bona fide democracies, and organized with a view of peaceful growth by the absorption of other peoples as through advancing culture they become matured for freedom and self-government, would soon constitute a political entity more powerful than all the other peoples of the world, and therefore in a position to command the peace of the world. The movement for such a union has already begun, and another quarter of a century should and probably will see it well on the way. Possibly the proposed international organization is a necessary first step that will contribute to a union of peoples. That those who framed the Charter entertained some such hope is shown by the opening words of the preamble: "We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war. . . ."

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TOWARD A WORLD STATE AND A WORLD CITIZENSHIP

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PART III

Education for Citizenship

Chapter XIII

Values and Objectives

It is equally impossible to hold that the right of the sovereign power in a state over its members is dependent on their consent, and, on the other hand, that these members have no rights except such as are constituted and conferred upon them by the sovereign. The sovereign, and the state itself as distinguished by the existence of a sovereign power presupposes and is an institution for their maintenance. But their rights . . . belong to individuals as members of society in which each recognizes the other as an originator of action in the same sense in which he is conscious of being so himself. . . . A right to act unsocially—to act otherwise than as belonging to a society of which each member keeps within the limits necessary to the like exercise by all the other members—is a contradiction.

—T. H. GREEN

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1. ILLUSIONS AS TO VALUES
 2. WHAT EDUCATION FOR CITIZENSHIP MEANS
 3. THE STATUS OF CITIZENS AS SOVEREIGN
 4. THE STATUS OF CITIZENS AS SUBJECTS
 5. THE RELATIONS OF CITIZENS TO ONE ANOTHER
 6. THE SUBSTITUTION OF LEGISLATIVE PALLIATIVES FOR EDUCATION
-

SPEAKING of the adaptation of American education at the beginning of the twentieth century to the needs of a democratic social order, an American historian who has shown rare discernment in tracing the developments of our democratic society makes the following disturbing observation:

Education, by which we had thought to keep the electorate competent for self-government, was breaking down because we had no scale of values and no real objective in our educational system. For the masses, at its best, it had become a confused jumble of "book learning" that gave them neither values to strive for nor that knowledge and intellectual training which might have been of help in understanding the complexity of the forces with which they had to deal intelligently.¹

¹ Adams, *The Epic of America*, p. 349.

CITIZENSHIP AND THE NEW DAY

No comment on this statement is needed to show its pertinence. There is today a widespread and growing belief that in developing our system of education we have not adequately conceived or interpreted the implications of our system of self-government, either for people as individual units of our democracy or for them as a body functioning as a citizenry. All Americans believe in popular education but for what ends? It is easy to perceive in our educational program definite and consistent norms for economic, administrative, professional, scientific, and similar types of training, also for the invigoration of thinking and the enrichment of personality, all of which is to the good, but admittedly the program for the training of people as citizens, to function competently as individual units of democracy and as a citizenry, is woefully "hit or miss" in its character.

1

Citizenship conceived as the bond that unites a free people in the democratic state clearly implies definite relationships, freedoms, responsibilities, attitudes, and demands vitally related to the welfare and to the proper functioning of the democratic state. These implications necessarily determine the standards, the patterns, the values which should enter into the processes of education for citizenship. Lack of clarity at this point is responsible for serious illusions as to education for citizenship which are reflected by our educational system and are widely shared by the public and even by educators themselves.

One of the most common of these illusions is that good citizenship is identical with the generally accepted moralities, such as honesty, truthfulness, temperance, industry, kindness, charity, respect for law and order and constituted authority. Such qualities, it is said, make the good man, and surely the good man is the good citizen. The fact is, however, that goodness is concrete and never merely abstract. It can be conceived only in reference to the behavior of people in the particular situations in which they are placed. Thus the good teacher, the good parent, the good employer, the good employee, are persons qualified for these respective relationships and habitually measure up to the particular demands which such relationships impose.

The same test must be applied to citizenship. The goodness of the citizen like the goodness of the teacher or the architect is something concrete. It is determined by the measure of understanding and competence that the citizen displays in interpreting his status as a

VALUES AND OBJECTIVES

member of the free community and in fulfilling the functions thereby imposed. It is generally recognized that everyone must receive special training for his special calling or occupation. Why, then, is it not also recognized that everyone should receive special training for the general calling that is shared by all members of the democratic community, the calling of citizenship? Said Thomas Arnold:

It is not deemed equally necessary because the consequences of not receiving it are less obvious and direct. A tailor who has not been taught to make a coat decently will get few coats to make. He is written down as a failure from the start. But, on the other hand, a man may be very poorly fitted for the duties of a citizen, and yet perform them after a fashion in such a way that nobody will think much the worse of him for his deficiencies, and very few will perceive them at all.²

Another and equally serious illusion that has resulted from the common failure to understand the real nature and implications of citizenship is the notion, widely held, woven into our whole system of education, and issuing in a preponderant emphasis upon the so-called "practical studies," that training for economic efficiency is identical with training for citizenship. It is this illusion that Hermann Keyserling so vigorously attacks in his well-known work, *America Set Free*. The point of Keyserling's attack is that such education means nothing more than training as animals are trained, because, while it does make for greater efficiency in the struggle for a livelihood, it contributes little toward making us socially and politically conscious and intelligent, without which there is no such thing as citizenship.

It is not necessary to endorse the whole of Keyserling's contention "that the ideal of American education is purely the animal ideal," that "almost all the typical manifestations of American life are not only expressions of the ideal of a higher standard of living, that they really start from the assumption that man is nothing else than an animal,"³ to recognize the wide gap that may, and in fact ordinarily does, lie between economic efficiency and efficient citizenship.

Even more common, and likewise a serious illusion, is the confusion of education for citizenship with patriotic indoctrination.⁴

² "The Education of the Middle Classes," *Miscellaneous Works of Thomas Arnold* (Arnold of Rugby), p. 375.

³ See "The Animal Ideal," pp. 189-91 of *America Set Free*.

⁴ See George A. Coe, *Education for Citizenship*, pp. 4-5; and E. A. Weber, *The Duk-Duks*.

CITIZENSHIP AND THE NEW DAY

Primitive societies in preparing their youths for tribal membership invariably took steps to instill into their minds the tribal lore respecting every sort of tribal practice, and especially the lore about their numerous taboos. Variations of detail can readily be discovered in comparing group with group and tribe with tribe, but the essential process in every case is much the same. The emphasis is always upon something to fear, something to hate, something to believe about their totems, their gods, their victories, and their heroes. But in all this no effort is made to encourage a critical examination of tribal beliefs and customs with a view to developing a capacity to distinguish between the true and the false, the wise and the unwise.

Here lies the essential difference between patriotic indoctrination and education for citizenship. There always has been confusion at this point. Even in the more advanced democratic states education for citizenship has leaned heavily toward the primitive point of view and method. To a marked extent it has tended to emphasize national traditions, uncritical acceptance of official truth, blind obedience to imposed authority, belief in the status quo. It is, of course, necessary that education for American citizenship take account of American ideals, principles, beliefs, traditions, and usages; but unless we are to accept the status quo as the final word, the absolute ideal in the social and political realm, it is essential that our ideals and usages be critically examined. The critical process, in fact, is an indispensable feature of the whole program of education for citizenship. However replete the program may be in other respects, it is not adequate if the critical process is omitted, because it is through this process that each generation learns to distinguish between the social and political values which bear the imprint of permanence and those which have served their purpose and need to be sloughed off.

2

It is evident from the examination of these illusions as to the meaning of education for citizenship that the essential character and substance of such education must grow out of and be related to the essential character of the democratic state, and therefore its meaning will be conceived rightly only as we rightly conceive the character of the democratic state.

It may be said that in principle, at least, democracy represents a

VALUES AND OBJECTIVES

permanent bond of union⁵ under which a sovereign free people live and work together for the common good, freely subjecting their impulses and desires to the collective will in order to achieve the "good life" for all. It is the type of political association, as previously shown,⁶ in which government is the instrument and servant of the people, in which public opinion is the molding and controlling force and law is in some real sense the expression of what Rousseau called the "general will." Under the authoritarian state, the type which in various forms has dominated through all the long history of human society, there is no such thing as citizenship, there are only rulers and subjects, those whose business it is and whose right it is to command, and those who must obey. Citizenship, therefore, is the central and co-ordinating principle, the directing force of the democratic state, and education for citizenship, to speak in general terms, is the preparation of the citizen to take his proper place, to play effectively his role, and to fulfill his function as a member of the citizen body in controlling and directing the state.

Stated in another way, it may be said that in its fundamental idea the democratic state represents the striving of human reason to organize a political association on the basis of norms that the enlightened reason of men adjudges essential to the welfare of the citizen as a person and to the citizen body as a community of persons. The long history of man at every point has been "a struggle of wisdom against folly, of generosity against selfishness, of objectivity against prejudice, of civilization against barbarism."⁷ The task of the democratic state is to create an association of free men, a community of understanding, a fellowship in which all reasonable beings may live on reasonable terms, with equal status, with mutual regard, and in which, by means of government, law, and education, collective effort is made to subdue the selfish and intractable forces of disorder, blindness, meanness, misunderstanding, self-righteous brutality, and consequent agony, by which through the long centuries mankind has been victimized.

Thus the democratic state is the most exacting form of political association. Whereas under authoritarianism the problem of the generality of people is simply to obey the dictates of the supermen who are in command, under democracy there must be general and free

⁵ The federal and state constitutions embody the terms of such association in the case of our American state. These terms are both legal and moral.

⁶ See Chapter I, page 7.

⁷ Meiklejohn, *Education Between Two Worlds*, p. 263.

CITIZENSHIP AND THE NEW DAY

subjection of all the people to forms of control which they themselves have created. Democracy assumes that there exists in all normal persons an inherent capacity for self-subjection to the common welfare that can "be elicited by education and experience." Democracy, therefore, as well as being the most exacting form of political association, is the most glorious form since in principle it is based on reason and education rather than on naked force and since it makes the individual the unit of the state and not merely a pawn.

3

Turning from generality to particulars, three primary features of democratic association require emphasis. The first of these is the status of citizens as the sovereign power of the state. In considering this aspect of citizenship it is necessary to keep in mind that the state is not merely the government, and it is not the dominant political party or any class or section of the population. It is all parties, whether in power or not, and all classes and sections of the citizenry. It is the whole body of citizens plus the government as the institutional agency to give effect to the intellectual and moral purposes of those who constitute the state. Hence the citizenry not only create the institutions of government and endow them with authority, they likewise supply these institutions with intellectual and moral purpose.

Obviously this was the meaning of Rousseau when he spoke of the state as a "moral person,"⁸ a designation that has often been criticized as absurd. How can a state made up of millions of people be regarded as a moral person? But if we think of the state as embodying the collective purpose of its citizens to achieve the common good, and through its institutions of government seeking to discover that good, gathering and interpreting facts, planning and deciding on intellectual and moral grounds, the state most certainly has the character of a moral person. And when these decisions and judgments, as reflected by the actions of government, are ill advised, based on ignorance instead of knowledge, when they are dilatory, dull, and cowardly instead of wise and courageous, despicable instead of admirable, the character of the state is still that of a moral person, because citizen thinking and willing are still its determinating principle and motive force.⁹

These considerations show the immensity of the problem of train-

⁸ *The Social Contract*, I, vii.

⁹ See Meiklejohn, *op. cit.*, pp. 270-71.

VALUES AND OBJECTIVES

ing the average citizen to fulfill his function of sovereignty and thus to make his proper contribution as a member of the state. Just what the solution of the problem involves, in other words, the task that education for citizenship must assume, is thus expressed by Montesquieu: "In governments, that is, in societies directed by laws, liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will." ¹⁰ One astute critic asks:

Is there any way to make free men, in their capacity of sovereignty, think, choose, will and act wisely and unselfishly for the common good, when by reason of the very freedom with which they are endowed by the state they are free to think, to choose, to will and to act like fools? Certainly there is no form or method of coercion, no matter how subtle or terrible, that can accomplish this end. But there is a way and its name is education.¹¹

If as citizens we are to govern ourselves, and not be governed by a tyrant or by institutions and forms that are democratic in name only, we must turn in the greatest seriousness to education and devise an educational program that is really equal to the task of preparing citizens, morally as well as intellectually, to fulfill their function of sovereignty.

For example, what else than education can create the capacity and the disposition to interpret patriotism in terms of real service to the community instead of mere adulation and indulgence in heroics? Saluting the flag, standing with head uncovered while the National Anthem is sung, or even keeping step with the cadence of the tom-toms, which in modern life takes the form of blindly following the party watchwords, may have their emotional uses, but in practical life today the citizen finds that what most commonly he has before him is not a situation that calls for a display of sentiment, however noble, but one in which discernment, discrimination, and sound judgment are of the utmost importance. And this equipment only education can supply.

And to what other force than education can we appeal to resolve the deeply rooted conflicts of interest and the consequent social and political problems which characterize the modern democratic state?

¹⁰ *The Spirit of Laws*, II, iii.

¹¹ Stringfellow Barr, "The Education of Free Men," *The New Republic*, Aug. 31, 1942.

The tone of the discussion throughout this chapter should dispose of any notion that the word "education" is used merely in the sense of enlightenment.

CITIZENSHIP AND THE NEW DAY

Because of these conflicts and the antagonisms they engender, totalitarian critics contend that democracy is merely an armed truce between essentially selfish human animals, a compact to respect one another's persons and goods based on mutual fear and suspicion.¹² In answer to this criticism it is said that these conflicts in reality reflect merely "the unfolding consciousness of a free people living and working together under democratic forms." The answer, however, is not wholly convincing because, in fact, the conflicts of powerful private interest groups are so frequent and violent that the public interest is almost always threatened, either by great social disruptions such as the prevalent struggles between labor and capital or by the browbeating and control of legislative bodies and the enactment of laws that work for the advantage of the few instead of for the many. That the public interest is always paramount is a basic postulate of democracy, and this fact must be fully recognized by every citizen, and by the citizen body as a whole, if the democratic state is to achieve its proper aims. What else than consistent education can create the understanding and the sense of obligation necessary to resolve the conflicts of private interests which now rend American society, and to establish the unity of the free community on a sound and enduring basis? ¹³

4

Complementary to the status of the citizenry as the sovereign is their status as subjects. On the one hand, they figure as the governing power and, on the other hand, as those who are governed. This concept of citizens as subjects raises formidable questions which have long occupied the thought of political philosophers. What is the limit to the right of the state to control the citizen? Is the authority of the state over the subject absolute, as so generally was claimed in the past and is so vehemently affirmed by the totalitarian powers today; or do the citizens as such have positive rights against the state?

Three great political thinkers of the past, Locke, Rousseau, and Green, concerned themselves in particular with these questions. All three are significant for today, because they all contributed substantially to the fundamentals of modern democratic thought. Profoundly influenced by the religious concepts of his time, Locke assumed that

¹² See Joseph A. Leighton, *Social Philosophies in Conflict*, chap. xxx, p. 358.

¹³ The nature of these conflicts of private interests is discussed more fully in Chapter VIII.

VALUES AND OBJECTIVES

since God made man he also created human rights; and thus Locke arrived at the conclusion that human rights which God has given are prior to the state which man has made. Natural men subject to the laws of nature, which are God's laws, are members of God's community, endowed with inalienable rights. But God does not establish political organization to guarantee men's rights. Men must do that for themselves, and they are compelled to do it because without political control they interfere with one another by failing to recognize one another's rights and interests.¹⁴ To Rousseau, on the other hand, both the rights of men and the rights of the state are made by man, and thus there is no conflict between the two. Both originated in human reason and both are responsible to human reason. Neither has priority, because rights are merely principles of action created by the state and in turn the state was created precisely for the purpose of affirming and maintaining those principles of action.¹⁵ Thinking more clearly than either Locke or Rousseau, and therefore clarifying the essential truth toward which both were striving, Green declared that both the state and the government, which is the agency of its sovereign power, presuppose human rights and are social institutions for their maintenance. Rights belong to individuals only, "as members of a society in which each recognizes the other as an originator of action in the same sense in which he is conscious of being so himself, and thus regards the free exercise of his own powers as dependent upon his allowing an equally free exercise of his powers to every other member of society."¹⁶

The concepts of all these thinkers are woven into the idealism of modern democracy. The thinking of Locke definitely colors our Declaration of Independence and our philosophy of individualism, whereas the thinking of Rousseau, as more precisely stated in later years by Green, is expressed in the Preamble to our Federal Constitution. "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution."

It would appear, therefore, that the rights of the state are real and its authority absolute, but only within the limits of the purposes

¹⁴ See Locke, *An Essay Concerning the True Original, Extent and End of Civil Government*, chaps. II, vii-ix.

¹⁵ See *The Social Contract*, I, vii-viii.

¹⁶ See Green, *Principles of Political Obligation*, pp. 187-88.

CITIZENSHIP AND THE NEW DAY

which the state was organized to serve. In consequence, the government of the democratic state, through which political authority is exercised, is so conceived that it can readily be changed by the action of the citizen body and made to conform to the purposes of the state. Likewise the rights of citizens in relation to the state, subject to its laws and its governing authority, are real but these rights are also conditioned by the purposes and needs of the state. Thus the right to life and liberty, the greatest of human rights, are by no means absolute, as Americans through bitter experience are learning today. Obviously the citizen cannot say I have a right to my life and liberty and therefore the government has no right to force me into military service and send me to war. In spite of the Declaration of Independence, practical experience shows that as members of the democratic state we do not possess an unqualified right to life and liberty. Likewise, the right to property and the right to engage in economic enterprise to accumulate property are not unqualified, but are limited by the purposes and needs of the state. The exercise of these, and all other individual, class, and group rights, is subject to such limitation and control as the judgment of the citizenry may deem best.

From this angle education for citizenship means the adjustment of individuals to the corporate purposes and life of the democratic community, the training of them to participate rationally and worthily in the mind and the will of the democratic community, to identify its purposes with their own, to recognize its problems as theirs, and to contribute their proper share in solving these problems in ways that mean progress and the common weal. Obviously such training does not signify unthinking and unquestioning acquiescence, but the very opposite. It means understanding, discrimination, moral insight, the sense of obligation, alertness, and in consequence a citizen body that recognizes the limits of obedience to the state as well as the limits of state authority, and is therefore qualified to protect the public interest against corrupt and arbitrary government, and to force government to subserve its proper ends.

5

Yet another phase of citizenship that education must take into account is citizen mutuality, in other words, the recognition of reciprocal rights and obligations. Since the democratic state was created by society to establish such basic social purposes as justice, tranquillity, the common defense, the general welfare, the blessings of

VALUES AND OBJECTIVES

liberty, the state cannot be oblivious to the problem of developing the sense of mutuality. Citizen relations cannot be regarded merely as private. They necessarily have a public significance which the state, in its scheme both of education and of punishment, must take into account.

The essential principle, says Green, that underlies and conditions wholesome and fruitful citizen relations is "a consciousness on the part of each individual of having an object in common with others, a well-being which is consciously his in being theirs, and theirs in being his."¹⁷ In other words, citizenship presupposes a reciprocal consciousness of rights, which in practice means the free exercise by individuals of their powers in certain directions and within the limits necessary to the like exercise by all others. Such a consciousness determines at once the rights of individuals and the limits within which those rights must be exercised. Obviously there is no presumption in democratic association of unsocial rights.

The development, therefore, of "a reciprocal consciousness of a common well-being and of common rights" is another great objective of education for citizenship. Such a consciousness is not a gift of nature that functions automatically like our physical organs. It is a phase of the intellectual and moral life of man that is developed slowly by experience and through cultural processes. American experience and culture have by no means proved barren and unproductive in this respect. In spite of all the evidence of undeveloped, or only partially developed, social consciousness, daily reflected by the sordid selfishness of individual citizens without number, in spite of social classes and self-interest groups, it may be said that, on the whole, American society presents the finest picture of citizen relations based upon the consciousness of a common well-being and common rights that the history of man anywhere records. However, the defects and blemishes in our attitudes and relations as citizens that have appeared in the fierce light of a great war are the proof that the picture is not fine enough. With new vigor and understanding, cultural effort must correct these defects and blemishes. American consciousness of a common well-being and common rights must not be subject to any limitations. It must be reciprocal in the truest and broadest sense.

To emphasize this concept as the basis of citizenship and of citizen relations in the democratic state is perhaps only to

¹⁷ *Ibid.*, par. 139.

CITIZENSHIP AND THE NEW DAY

revert to the Christian ideal of fraternity and to give it a civic application. Yet Christianity, instead of creating this ideal, merely affirms it and gives it a new emphasis and a richer content. It originated in the long experience of mankind through the ages of social experimentation. Its emergence was coincident with the earliest democratic groupings and was in fact the impulse for those groupings. Historically it is the basic postulate of democratic organization and citizen relations, and therefore a supreme objective of education for citizenship.

6

Though American society everywhere displays a growing interest in education as the real solvent of democratic problems, to a great extent it is overshadowed and offset by our interest in remedies and our belief that social ills of whatever character can be cured by laws. No people ever passed so many laws of the nature of palliatives,¹⁸ which reflect the atmosphere of a doctor's clinic or a drugstore. The psychology of legislative palliatives is closely akin to the psychology of patent medicines. Both assume the existence of disease that can be cured by hit-or-miss methods, whereas the result, not infrequently, is to aggravate the conditions that the palliatives are designed to cure and, it may be, to add other and more serious derangements. Thus, a few years back, the mayor of the capital city of a midwestern "prohibition state," addressing a meeting of native sons of the state assembled in an eastern metropolis, startlingly, though quite unconsciously, revealed the citizen duplicity that so commonly results when, in dealing with social problems of a moral character, faith in education wanes and we put our trust in laws. He frankly confided to the native sons that, in spite of prohibition, he himself had always kept a "goodly" supply of liquors in his cellar, both for his own use and for the entertainment of his guests. One day, however, he attended a meeting of the State Senate and listened to an address on prohibition by one of the senators whom he greatly admired. The address was an eloquent and moving plea for the maintenance and enforcement of state prohibitory laws. And the mayor confessed that he was greatly disturbed by the plea, that he thought of it all the way as he returned to his home, and that he was still thinking of it and of his own generous supply of liquors in the cellar when he chanced

¹⁸ Palliatives are laws that fail to take account of the moral and intellectual failure in which so many social problems are rooted, and therefore call for education rather than legal prohibitions.

VALUES AND OBJECTIVES

to glance out the parlor window and saw the senator who had made the plea rapidly approaching his residence. When the senator was admitted, said the mayor, he appeared somewhat perturbed; but after some hesitation he said in a loud whisper, "Mr. Mayor, I'm in one h—— of a fix and I want you to help me out. I've invited guests for dinner, it is now almost dinnertime, and my shipment hasn't come."

Citizen attitudes of the character reflected by this incident, obviously, are perilous to the democratic state because they are more likely than not to injure the very fabric of social relationships which condition the state, since the health of those relationships depends not upon palliatives but upon common sense, sincerity of feeling, honest convictions, constructive social effort. The first step, says an acute analyst¹⁹ of social conditions, in defining our social responsibilities as citizens, and in wisely assuming them, is to dismiss from our minds the conception of a democratic society as a sick thing in need of remedies and substitute for it the conception of a half-grown and partly developed thing in need of education. It would be a momentous change that would affect the whole character of citizen effort to improve our democratic relationships if we could rid our minds of overconfidence in the efficacy of legal and mechanical methods for the correction of social maladjustments and could substitute for these methods a genuine and thoroughgoing program of education for citizenship.

To approach the matter from a somewhat different angle, it may be said that for the concept of government as a sort of factory for the manufacture of laws and, simultaneously, a police force to put the laws into execution, there is need to substitute the concept of government as primarily an educational agency. That good government is a first need of mankind has long been an accepted faith of political philosophy, but even in the most enlightened states progress in developing good government, in the sense of competence in dealing intelligently and effectively with the complex problems and needs of modern society, has lagged. As expressed by Sir Arthur Salter, "The task of government is overwhelmingly our greatest activity today, and because it has not kept pace with our other activities, to a greater extent than we realize, all the activities that make up our civilization are jeopardized by the impotence of government."²⁰

¹⁹ See Jacks, *Responsibility and Culture*, Yale Lectures on Citizenship, 1924, chap. i, for discussion of legislative palliatives and social panaceas.

²⁰ Address, Conference of Universities, under the auspices of New York University, November 1935.

CITIZENSHIP AND THE NEW DAY

There is evidence, however, in all the leading democracies of a growing realization that the idea of government and the idea of education are closely related, that if we inquire carefully into what we hope to effect by good government, on the one hand, and by good education, on the other, we find that the two aims coalesce. This conclusion becomes inevitable the moment we think of self-government through competent citizenship as the first principle in the political field and individual development and competence as members of society as the first principle in the field of education. Self-government is the reconciling term if we approach the question of good government from the political side, and the development of individual competence if our approach is from the side of education. These considerations alone are sufficient to show the need of a synthesis in which government and education appear as two aspects of the same process.

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Chapter XIV

What the Family Should Contribute

The greatest reverence is due the child.

—JUVENAL

All women should be trained in all types of child care. We must cultivate women who are the educators of the human race, else the new generation cannot accomplish the task.

—FROEBEL

The general position of the child in the family we must accept as the gage of civilization.

—ARTHUR E. HERTZLER

1. THE PRIMITIVE CONCEPT OF EDUCATION AND THE CHILD
2. THE SHIFT OF EMPHASIS FROM CONFORMITY TO PERSONALITY AND ITS SOCIAL SIGNIFICANCE
3. COMENIUS, LOCKE, AND ROUSSEAU, AND THE RISE OF MODERN VIEWS OF DEMOCRATIC EDUCATION
4. THE PROBLEM OF THE INCOMPETENT FAMILY
5. CONDITIONS THAT MUST BE CORRECTED IN THE INTEREST OF THE FAMILY

As PREVIOUSLY shown,¹ the family is the oldest social institution, antedating the period of recorded history, for how many centuries no one knows. Thus the family in some form is deeply rooted in human experience, so deeply that little credence can be given to the theory that in the process of social evolution the family is on the way to disintegration and final extinction, to be followed by a "co-operative commonwealth of wives and children."²

Out of the age-old struggle for existence of social types, as we may conclude from the studies of Darwin, Spencer, and Fiske, the modern monogamous family originated, representing a relation of individuals, based upon a sense of personal rights and obligations unattained by primitive domestic groups. Thus the family, as we know it, is not merely a problem of contemporary life, as so commonly it appears to be regarded, but one that has the entire history

¹ Chapter I, page 17. See R. H. Lowie, *Primitive Society*, p. 4.

² See A. Bebel, *Die Frau und Der Sozialismus*; and F. Engel, *Der Ursprung der Familie, des Privateigentums und des Staates*.

CITIZENSHIP AND THE NEW DAY

of the human race for a background, and the entire future of the social order for its consequence.

It may be said, therefore, that, in addition to being the oldest social institution, the family is the most fundamental. In the words of MacIver:

The family is the nuclear social organization. It influences the whole life of society in a myriad of ways, and its changes reverberate through the whole social structure. . . . Its peculiar claim is not that it alone fulfills any one function, but that it alone provides a way of combining and harmonizing certain socially necessary and closely related functions. It stabilizes and directs in socially profitable ways the sex life of mankind; it provides for the perpetuation of the race and it makes possible a social institution that engenders the affectional and cultural satisfactions which constitute the basis of civilized society.³

It is this latter significance of the family, its cultural function in the democratic state, that this study in particular seeks to emphasize.

1

From its inception, through all succeeding centuries, the family, necessarily, has functioned as an educational agency. Over a long period—how long we can only guess—the family was the main educational agency. Even in the most advanced stages of social development its influence as an educational agency has been fundamental. The significance of the family, therefore, in maintaining society and furthering its cultural development, as well as in creating society, cannot be overestimated. Says Ernest R. Groves:

We do not become members of the social groups, sharers of the prevailing culture, by entering into society as one joins a business, or becomes by legislative decree a citizen or is given the privileges of a club or a fraternal organization. There has to be in the individual career a working of the same process which extended the self-life beyond individualism, beyond family interests, into the greater interactions of the group contact. Society lives by carrying on this same process that brought it into being, and has assigned to the family the same large task of building from the substances of individualistic desires and impulses both the inclinations and resources of social cohesion and co-operation. The family offers the strategic service in this training process, and one that is indispensable.⁴

³ *Society; Its Structure and Changes*, pp. 109, 133-34.

⁴ *The Family and Its Social Functions* (Philadelphia: J. B. Lippincott Co., 1940), pp. 140-41.

WHAT THE FAMILY SHOULD CONTRIBUTE

In primitive stages of society, very naturally, there was little if any recognition of the larger service of family education in developing and socializing the child as the way to cultural advance and progress in civilization. If the educational function of the family was a matter of thought at all, and not something that was merely instinctive, it was conceived as a process of conforming the child to accepted social patterns. At any rate, it was the transmission of established social patterns that was emphasized and not the personality of the child. And this emphasis necessarily determined the position of the child in the family and in community life. In the words of Dewey, "the training of children was the art of taking advantage of their helplessness, of treating their plasticity as though it were putty to be moulded according to current design."⁵

Thus the substance of the primitive child's education was the inculcation of the system of taboos observed by the group and training in the skills which experience had shown to be necessary for the preservation of the group. As a result of this crude notion of childhood training the lot of children was exceedingly hard.⁶ Girls in particular, at a tender age, became family drudges, burdened with household tasks, frequently saddled with the responsibility for the care of younger children and they were always at the beck and call of their elders. Young boys, also, shared this family drudgery up to the age of eight or nine, when they were released from it to begin their training for the pursuits, responsibilities, and pleasures belonging to the adult males of the primitive group. The development of the patriarchal family type, which was dominant⁷ for many centuries and which, with modifications, has persisted to some extent even in the most highly civilized nations to the present time, represents a distinct social and cultural advance over the primitive family. It meant more exacting family occupations and pursuits, greater educational responsibility, more rigid discipline. Nevertheless, in principle this larger cultural task of the family remained unchanged. It was conceived, not in terms of personal development, but of individual conformity to established social customs.

It is doubtless true that inherent in the social process of the long period, when family training meant individual conformity, was the ceaseless operation of an unrecognized force, designated by William

⁵ *Human Nature and Conduct*, p. 64.

⁶ If the primitive child ever thought of his lot, it may be that it seemed natural enough. Judged, however, from the standpoint of modern civilization, it was hard.

⁷ The patriarchal family was never universal.

CITIZENSHIP AND THE NEW DAY

Patten as the "grand strategy of evolution." By its very nature the family relationship meant something then of what it means now and must always mean, the putting aside of personal inclinations and the curbing of self-seeking in order that there may be successful living together with others who share a domestic identity. In other words, the family relationship, though we are unconscious of it, makes for the socialization of the individual thereby providing the stimulus that ensures social progress. Had this not been true, modern society would not have appeared. Primitive society would have remained primitive or, looking farther back, there probably never would have been a social group even in a primitive form.

2

The shift in the concept of education from conformity to social patterns to personality and its social significance appeared first in the thinking of the ancient Greeks and Romans. Thus Pericles, Plato, and Aristotle are one in holding that education is a life process the aims of which are to exalt reason and to make it the governing force of the individual life and of society; to make people generous in their personal relations; to develop in them the restraint of reverence and the spirit of obedience to laws, especially those laws which protect the less privileged and those unwritten laws whose transgression is admittedly shameful; to inculcate the love of beauty which delights the heart and banishes sadness; to inspire courage; to create the capacity for enjoying freedom; to liberate rather than to shackle the mind; to secure the most initiative in what we do and the utmost deliberation in what we plan; to develop a citizenship that means devotion to the public and understanding in seeking the good life.⁸ However, to achieve these ends Plato thought that the family with its individual and private interests should be superseded by a larger group in which all interests should be shared; and, on the other hand, Aristotle held that for their achievement family nurture was supremely important.

Though the concept of education developed in ancient Rome lacked the sense of personal freedom and therefore the high idealism that characterized the Greek concept, it did emphasize the development and, after a manner, the social significance of personality. As the Romans conceived education, its ultimate aims consisted in the production of citizens, soldiers, and heads of families who would

⁸ See Pericles' "Funeral Oration," *Thucydides*; Plato's *Republic*, V; and Aristotle's *Politics* (Jowett tr.), pp. 25-26.

WHAT THE FAMILY SHOULD CONTRIBUTE

be guided in their behavior and in the performance of their duties by rigid adherence to certain virtues such as piety, modesty, firmness, courage, prudence, and earnestness. Responsibility for the inculcation of these virtues and also the development of habits of industry rested largely upon the parents, especially the mother, who as the constant companion of her children had particular opportunity to direct their education. Eminent Roman writers like Tacitus, Quintilian, Juvenal, Plutarch, and Horace take occasion to emphasize the educational function of the family and to criticize bitterly the parents who fail to discharge their educational responsibilities.⁹

It was a great misfortune that, as a consequence of the decline and fall of Greek and Roman civilization, the entire Western world for centuries was deprived of the benefit of Greek and Roman educational ideals. Had the attitude of Jesus toward the child and his concept of the supreme worth of the child, as reflected in the Gospels, really been understood by the early church, it would have sufficed to offset the loss suffered through the obscuration of Greek and Roman concepts. But the ideals of Jesus in regard to the family and the child, and the implications of these ideals, were not understood. Without doubt early Christianity did bring a new realization of the worth of children and their right to life for their own sake, and from the very outset the church unequivocally denounced the horrible practice of infanticide so prevalent in the ancient world. But through long centuries the church had no adequate educational program for the child, in fact did not believe in the educational process as a valid means of developing the possibilities of the child, but depended wholly upon baptism, the sacraments, and the miracle of redemption. Thus Augustine writing to Jerome declared that "every soul, even the soul of the infant, requires to be delivered from the binding guilt of sin."¹⁰ As time passed and this view spread through the church, it was gradually shaped by various religious groups into the repellent dogma of original sin and infant damnation that was responsible for inhuman attitudes toward the child which endured until comparatively recent times.¹¹

⁹ Tacitus, *Dialogue Concerning Oratory*; Quintilian, *Institutes of Oratory*; Juvenal, "Satire XIV"; Plutarch, *The Training of Children*; Horace, *Satires*, I, vi.

¹⁰ *Apologeticus*, IX.

¹¹ As a young man living in various New England communities, the writer met many people who claimed to have heard the doctrine of infant damnation proclaimed from the pulpit.

Modern views of education for citizenship and democracy are rooted in the thinking of three great intellectual leaders who bridge the transitional years from the medieval to the modern period, and whose influence has lived on. The first of these was John Amos Comenius (1592-1670), rated by a critic of high standing as "the most eminent figure in the history of European education" and as "the most penetrating writer on educational method whom the world has ever seen."¹²

Comenius was a Czech by nativity and a bishop of a small Protestant sect known as the Moravian Brethren. Naturally, his educational views were colored somewhat by the thinking of the religious group to which he belonged, but on the whole they were Christian and democratic and basically sound. For him one dominant idea must determine all educational practice. It was the idea that "the education of the child is analogous to the cultivation of a plant, because the child, like a plant, is a living organism that develops from within in response to the influences which operate from without. The action of teaching upon the child should be like the action of the sun and the rain upon a plant."¹³ It should be a gentle process of "instilling knowledge" and "awakening understanding," and not, like so much teaching all through the centuries, an effort, often by means of cuffs and blows, to stuff knowledge into the mind. Such teaching is a ruinous waste both of labor and of time.

And the purpose of education, fundamentally, is the development of intelligent co-operative fellowship. The brotherhood of man is not an idle phrase. It is the basic fact upon which all education rests. All people, whatever their race, country, social status, or sex, are equally members of one great human family and education serves its proper purpose only so far as it serves the needs and purposes of the whole family life. Therefore, in its spirit, education is thoroughly democratic. It must be for all, presenting to all the same opportunities and serving all alike.

The "school of infancy," with the contacts it represents, covering the first six years of the life of the child is to the mind of Comenius the most important period in the whole process of education because it has a vital meaning for all subsequent education. Later education

¹² S. S. Laurie, *Educational Opinion from the Renaissance*, p. 157.

¹³ See Meiklejohn, *Education Between Two Worlds*, pp. 13-25, for penetrating analysis of the educational theory of Comenius.

WHAT THE FAMILY SHOULD CONTRIBUTE

is not different in principle from education in the "school of infancy"; it does not represent a change of intellectual interest, but merely a change in the level of understanding. In a profound sense all the studies of later life have their origin in the intellectual awakening that takes place in the "school of infancy."¹⁴

John Locke (1632-1704), a younger contemporary of Comenius, was the second of those leaders whose thinking helped to prepare the way for democratic education. In his religious thinking Locke, apparently, began with the same premises as Comenius. He believed in the same God, read the same Bible, and was just as pious as Comenius. He also shared the new learning that came with the opening of the modern period, emphasized the significance of childhood training for later education, believed that the process of education should be natural and pleasurable and not forced and tortuous, and, on the whole, contributed substantially in preparing the way for modern views of democratic education and of a democratic community embracing all mankind.

As Americans we greatly revere the memory of Locke because of his influence, filtered through the minds of Jefferson and other American leaders of the period, in shaping our political faith as embodied in the Declaration of Independence. And yet a closer scrutiny of Locke's position shows that, in spite of definite pronouncements, which, in implication at least, point directly to an education that is democratic, and in spite of his Christian faith that postulates such an education, he himself had never achieved a clear and unqualified democratic point of view. Thus, instead of one school and equal educational opportunity for all, he recommended two sets of schools and two educational programs, one for the children of the upper classes and another for the children of the working poor.¹⁵ And in his *Thoughts Concerning Education* he warned parents of the upper classes against the danger of allowing their children to venture abroad to mingle with the "herd,"¹⁶ presumably the children of the lower classes.

The third and most influential of these leaders was Jean Jacques Rousseau (1712-78). Much of Rousseau's thinking was quite in line with the thinking of Comenius and Locke, except that it was wholly free from any theological tinge or aristocratic bias. His social

¹⁴ Comenius, *Veskers spury*, IV.

¹⁵ In a memorandum that he prepared in 1697 dealing with the reform of the Poor Law.

¹⁶ John William Adamson, *Educational Writings of John Locke*, sec. 70, p. 53.

CITIZENSHIP AND THE NEW DAY

outlook was thoroughly democratic. To his mind all the problems of developing a political association on democratic lines, and devising a system of education equal to the task of fitting men to participate worthily in such a society, and to contribute intelligently to its ongoing, are problems that men have to face and to solve. No part of them can be left to God. The greatest of these problems is that of reconciling freedom with authority. Without freedom democratic society cannot exist, and it cannot exist without coercive power. The answer to that problem lies in developing democratic-minded people and a coercive authority that represents the general or collective will, and not merely the will of a single ruler or a small coterie at the top. Education, said Rousseau, must provide that answer; and in his *Émile*¹⁷ he undertook, though not with complete success, to outline a scheme of education covering the whole period of life from birth to the age of twenty, which would provide that answer. The entire scheme, or process, at every stage is the same in principle in that it aims to fit the individual to true personality in an organized democratic society.

In summary, these views of education for citizenship and democracy which are rooted in the thinking of Comenius, Locke, and Rousseau, but as yet only imperfectly comprehended except by a small minority even in democratic societies, are: (1) that children and youths are to be regarded as living organisms, which, like plants, develop from within in response to influences from without; (2) that education should be a gentle and pleasurable process of instilling knowledge and awakening understanding and not an effort by methods of coercion to force knowledge into the mind; (3) that from birth through every stage of life education is the same in principle, that any change from one stage to another is not a change of intellectual interest but merely a change in the level of understanding; (4) that all studies which engage the attention of man from birth to the grave really begin with the intellectual awakening of the child; (5) that all true education is based upon the assumption that all people are members of one great human family and is, therefore, democratic, serving all alike and presenting equal opportunities to all; (6) that its supreme purpose is to develop between individuals everywhere, without respect of race, country, sex, or creed, intelligent co-operative fellowship; and (7) that the great problem with which

¹⁷ Rousseau assumes that the basic principles of education apply equally to both sexes.

WHAT THE FAMILY SHOULD CONTRIBUTE

education must be concerned and which it must solve is the reconciliation of individual freedom with social authority.

This statement of educational concepts and principles makes it clear that because of the magnitude of the educational task it cannot be discharged by the family alone, but necessarily must be delegated in part to the school. This, however, should not make us blind to the supreme educational responsibility of the family or to the fact that education in the "school of infancy" has a bearing on all subsequent education so important that it is indispensable.

Obviously, the family that in any real sense contributes to democratic society must itself be democratic and the training must be conducted on democratic lines and in a democratic atmosphere.¹⁸ Every remaining vestige of the autocratic patriarchy that once so generally dominated the family, subordinating both wife and child, must be swept away. It is a significant fact that in the current speech of the formidable autocratic nation, with which we have now contended in two great wars, both wife and child are still designated as things—*das Weib, das Kind*—rather than personalities. Every vestige of that subordination, once tolerated by both church and state, must disappear, the tyranny of the father, like all other tyrannies, must be relinquished, wife and child must have their equal and proper place in a democratic home, the primacy of the wife and mother in the training of the children must be recognized, and the family life itself must become a real and effective agency in democratic nurture.

But in emphasizing the rights of the child to recognition as a person, to freedom from tyranny, protection from every form of abuse, and decent care, the necessity for discipline and training in responsibility and in the fundamental moralities must not be ignored. Through the process of training in the "school of infancy" instinct must be replaced by morals, the habit of consulting reason instead of listening to the inclinations must be developed, and from control by the appetites, which is slavery, the child must learn through family discipline to rise to that obedience to law which is moral liberty. These moral disciplines, just as certainly as freedom from tyranny and abuse, and proper care, are rights of the child. A democratic outlook plus the moral disciplines, as Simeon Baldwin once suggested, do not in themselves constitute intelligent and effective citizenship, or even the groundwork of that citizenship, but—

¹⁸ Thus Lycurgus is reported to have said to a man who demanded the establishment of a democracy in Sparta, "Go, thou, and first establish democracy in thine own household."—*Plutarch*, chap. xix.

CITIZENSHIP AND THE NEW DAY

and this is even more important—they are the ground underneath the groundwork of such citizenship.

4

At this point in the discussion we necessarily encounter the problem of the incompetent family, a problem so complex that it can be treated here only in barest outline. The purpose of this chapter, it may again be observed, is not to discuss the whole subject of child education, but merely the contribution of the family toward the training of the child for effective citizenship. And yet training for citizenship is not something apart, but is inextricable from the whole process of child education.

Incompetent parents are not merely bad parents in the sense that they do not care for their children, neglect them, mistreat them, or desert them. The number of such parents, though far too large, is in the aggregate comparatively few. The vast majority of parents do care for their own children even though it may be in a way that is wholly blind and selfish. It is the great body of well-meaning but undiscerning parents who constitute a really serious problem for democratic society. Recalling the figure of a ladder used by educators¹⁹ to describe the various stages of education from infancy to maturity, it is evident that, however great the skill employed in fashioning the upper rungs, the ladder cannot properly subserve its purpose if the lower rungs are wanting or even if their fashioning is such as to make them insecure and worthless. This is only to say that the effectiveness of the whole process of education for citizenship and democracy depends very much upon the effectiveness of the family training of the child. In matters of the physical well-being of children, parents generally are learning to rely upon expert guidance. But in the development of individuality, character, social attitudes, and behavior, which are the bottom rungs of the ladder, scientific practice, as yet, is far from being general. Millions of fond American parents who sedulously make use of modern scientific methods in safeguarding the health of their children, when it comes to personality, character, social aptitude, and behavior befitting the democratic community adhere blindly to traditional standards, prejudices, and procedures. And the result, too often, is that when school age arrives, instead of having mounted the lower rungs of the ladder that

¹⁹ The "School of Infancy" (the first six years), the Vernacular School (6-12), the Latin School (12-18), and the University (18-22), constitute the rungs in the ladder of education as Comenius saw it.—John Amos Comenius, *Spinka*, pp. 47-48.

WHAT THE FAMILY SHOULD CONTRIBUTE

reaches to social worth and effective democratic participation, the child is just a little snob or pervert, unsocial, suspicious, fearful, unable to bear responsibility, disobedient, defiant of authority, contentious, antagonistic, given to delinquency, deeply engraved emotional states, or neuroses, which later education finds it exceedingly difficult to rectify.

A slowly awakening consciousness of the plasticity of childhood and the failure of the average family to make the most of it for the development of socially minded children and potentially effective members of the democratic community has given us the kindergarten as an agency to supplement family training. The first public school kindergarten in America was established in 1873 on the rather limited lines suggested by Froebel. In the subsequent years its adoption as a part of the public school system has made steady progress although, as yet, our American public school kindergartens do not enroll more than one out of every ten of the children who are eligible.²⁰

In a highly suggestive study entitled "The Over-rated Child,"²¹ Hermann Keyserling criticizes the kindergarten on two grounds: (1) that many promoters of the kindergarten believe that it is a better educator than the family, whereas it is meant only to supplement the family, and can achieve its primary purpose only through the closest co-operation with the family; (2) that the tendency of the kindergarten is socialization of the child at the expense of individuality. "An articulated group consciousness," he says, "is more easily evolved than an individual consciousness. . . . This explains why in the history of mankind we find articulated and well-grounded groups at a much earlier date than we find individualities. . . . It is, therefore, essentially easy to socialize children," but "the development toward individuality cannot possibly be furthered by socialization."²² In other words, according to this critic, the emphasis of the kindergarten upon the socialization of children necessarily is at the expense of training for individuality. But the criticism is not substantiated by the facts, because in the well-ordered kindergarten of today "extensive use is made of scientific findings, and the emphasis is upon the all-round training of the child."²³

²⁰ In 1938 there were approximately 7,300,000 children eligible for enrollment in kindergarten, including four- and five-year-olds. Of this number only 644,840 were actually enrolled, counting public and private kindergartens.

²¹ *America Set Free*, chap. v.

²² *Ibid.*, pp. 333-35.

²³ Sait, *New Horizons for the Family*, p. 261.

CITIZENSHIP AND THE NEW DAY

A later development than the kindergarten as a means of supplementing family training, and one that is still in the initial stage, is the nursery school. The occasion for it is the fact that only children of the ages of four and five, those "at the outer age of the public school system," are eligible for enrollment in the kindergarten, leaving a considerable and important gap, not covered by any proper educational provision, in the lives of many children. Cognizant of this fact, a group of Chicago mothers, in 1916, formed a co-operative nursery school group in order to secure expert help in directing the training of their young children and at the same time to broaden their own experience. Following this initial experiment many private nursery schools have been established throughout the nation. A provision of the Federal Relief program of 1935 authorized the establishment of emergency nursery schools at public expense, and as a result 1,900 such schools with a registration of 55,000 children were established throughout the country, including a few in Puerto Rico. The action of the federal government has greatly strengthened the nursery school movement, resulting in a growing demand that it, also, be made a part of public school education.

The danger that lurks in these provisions to supplement family training is that too many parents will accept the kindergarten and nursery school as adequate substitutes for the home and, therefore, will seek, too readily, to transfer the whole responsibility for the training of their children to these agencies. Observers, like Keyserling,²⁴ who note a growing tendency in America to regard the kindergarten and the nursery school as better educational agencies than the family declare that it is a fundamental mistake, that no outside school can take the place of the "family school." The soundness of this position is fully recognized by discerning proponents of the kindergarten and the nursery school, and determined efforts are now being made to relate these agencies closely with the family, to make them supplementary instead of substitutes. Parents' conferences and home visits of teachers to discuss the problems of the children with the parents, especially with the mothers, are now becoming the rule. Such co-operative efforts contribute to the education of parents as well as to that of the children. Thus the kindergarten and the nursery school, conceived as agencies to stimulate a sense of parental responsibility and to enlist an intelligent and active interest upon the part of the family in properly fashioning the first rungs of the "edu-

²⁴ See *America Set Free*, p. 333.

WHAT THE FAMILY SHOULD CONTRIBUTE

cational ladder," are vastly important democratic institutions. At whatever cost, they must be adequately equipped and multiplied to an extent that their benefits can be extended to the millions of American families now so palpably failing to discharge properly their educational function.²⁵

5

Besides incompetent parents and the lack of adequate family training, the complex social life of today presents many other conditions which seriously interfere with the wholesome functioning of the family even when they do not disrupt it. The significance of the family in the building of democratic society is so fundamental that the correction of these conditions is of vital concern to the whole citizen body. No really intelligent believer in the democratic way of life can ignore them. Some of these conditions have been touched upon in previous chapters and therefore require only the briefest mention.

The first is the failure to emphasize quality of population rather than size, and in consequence the current complaints over a falling birth rate, and the opposition of both government and church to the growing movement to encourage intelligent birth control. The old command "Be fruitful, and multiply, and replenish the earth"²⁶ naturally appeals to autocratic governments anxious to maintain their position of advantage and to dominate by force. The mass marriages of recent years promoted by Fascist Italy and the sexual promiscuity encouraged by Nazi Germany are entirely consistent with their policy of world domination. Democracy, however, must put its faith in good rather than in large populations. It must encourage rational calculation and the realization that population for population's sake, or to support the rule of might, means unspeakable brutality. Democracy can never thrive where people are cheap. To encourage prudent people to act imprudently in the supposed interest of the nation is a call to cultural suicide and the perpetuation of barbarism. This does not necessarily mean that all the vagaries which gather about the word "eugenics" should be accepted, but it does mean the encouragement of the freest study and discussion of the whole problem of achieving quality of population as against quantity, "better children even if fewer."²⁷

²⁵ See Salt, *op. cit.*, pp. 256-61.

²⁶ Gen. 1:28.

²⁷ See Arthur J. Todd, *Democracy in Reconstruction*, chap. v.

CITIZENSHIP AND THE NEW DAY

Another condition that must be corrected is inadequacy of family income. Obviously the possibility of improving family life, in the case of millions of Americans, to the extent that it will become a social asset instead of a liability depends, largely if not wholly, upon economic readjustments. Migrating, unstable, tenement-dwelling, and propertyless people are not fit material out of which to build a worthy democratic society. And the extent of our problem in this respect is shown by the fact that nearly 50 per cent—according to some estimates, over 50 per cent—of the whole number of American families are, to all intents and purposes, propertyless and more or less unstable.

A worthy democracy presupposes socially sufficient and fully responsible families. Such families presuppose rational standards of living, and such standards imply adequate family income. Yet, until the outbreak of war, following the attack on Pearl Harbor, drove wages up, the income of 11,000,000 American families was little more than enough to provide the barest physical essentials, food, clothing, and shelter sufficient to maintain life and to keep people going, but not sufficient to guarantee the kind of family life that a really worthy democratic society requires. For America with her abundance to be content with a subsistence level for millions of her people is to rate life too cheaply for the building of a great democratic civilization.²⁸

It is evident, indeed, if we pause to think of it, that many current social problems with which we are now tinkering—proper housing, wholesome living conditions, the emancipation of families from overcrowded tenements, dark cellars, the relief of overworked women in industry, and the rescue of exploited children—are more or less subsidiary. The primary problem to which they are all related is sufficient and dependable family income. The solution of that problem will at least mitigate, if it does not wholly solve the others.

One other consideration disruptive to wholesome family life, thereby helping to dry up the life stream that sustains democracy, must at least be mentioned. It is the increasing prevalence of divorce. Recently a county judge, still a young man, whose service on the bench could hardly have exceeded a dozen years, stated that he had already granted over twenty-five hundred divorces. That statement is sufficiently indicative of the extent of the problem; but it has been so generally discussed that little, if anything, that is worth while can

²⁸ Obviously the solution for the problem of adequate family income goes back to the problem of economic readjustment, which is discussed in Chapters VIII, IX, XI.

WHAT THE FAMILY SHOULD CONTRIBUTE

be added.²⁹ Doubtless the passage of uniform divorce laws throughout the nation, and laws that make divorce far more difficult—that would make it impossible for any judge to grant twenty-five hundred divorces—would help a little, but it would not solve the problem.

Not long ago a well-known American writer passed away; and among his effects were a few notes about his father and mother, whom he affectionately designated “papa” and “mama.” Their inherited beliefs and traditions, he said, were utterly incompatible, so much so that even as a “tadpole” he knew they should never have married. He had often wondered why their courtship had failed to disclose the fact that they were alien to each other, and would always remain alien because each cherished a pattern of life that could not be reconciled with the pattern cherished by the other. But, said the author of the notes, both mama and papa were persons of high principle and character, both had inherited a worthy family tradition, and they loved each other; and so they lived together to a ripe old age, papa surviving mama by only a year. And sometimes, I think, concluded the author of the notes, they had a glorious happiness about which a boy would not know.

High principle, character, and worthy family traditions—here, and nowhere else, lies the real solution of the divorce peril.³⁰ We are still a young nation with exaggerated concepts of freedom which often mean nothing more than the right to follow personal whims without respect to other considerations. And, moreover, we represent a great mixture of racial, nationalistic, religious, economic, and political concepts, traits, characteristics, idiosyncrasies, and curiosities which we are in the process of reconciling and blending in a democratic family and social order. And we have made great progress. Give us time for wisdom to ripen, for proper standards of character to develop, for worth-while family traditions to grow, and someday we will discover—it may be quite suddenly and unexpectedly—that the divorce peril, like the German U-boat peril of 1942, has become relaxed and is no longer a real threat to America. And perhaps nobody except a few antiquarians will know why, or care to inquire.

²⁹ The magnitude of the problem of divorce is shown by the fact that out of (approximately) a million marriages that occur annually in the United States, one in every six ends in divorce.—S. H. Britt, *Social Psychology of Modern Life*, p. 830.

³⁰ An able critic objects that this proposed solution of the problem is too simple. Is the development of high principle, character, and worthy family traditions really simple? Perhaps the process of such development may be hastened somewhat by wise legislation, but certainly legislation is not the whole answer to the problem of divorce.

CITIZENSHIP AND THE NEW DAY

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Chapter XV

What the School Should Contribute

The Democratic State both rules and teaches, both commands and explains; it coerces, but it also submits the case to the intelligence of those whom it coerces. The school house is a public building co-ordinate with the city hall, the court house and the capitol. The school teacher and the policeman walk side by side, each bearing a commission from the same sovereign authority.

What is the relation between this ruling and this teaching? . . . Is what the teacher does merely a subtle form of the same activity that goes on in a sheriff's office? Or, on the other hand, does the teacher contribute something to the meaning of sovereignty itself?

—GEORGE A. COE

1. THE CIVIC EDUCATION UNDER AUTHORITARIANISM VERSUS EDUCATION FOR CITIZENSHIP
2. EVIDENCE OF PROGRESS IN THE CONTENT AND TONE OF MATERIAL AND METHODS
3. SUPPLEMENTING THE TEACHING PROGRAM OF THE PUBLIC SCHOOL WITH TRAINING IN DEMOCRATIC ACTION
4. THE CONTRIBUTION OF THE COLLEGE
5. RELATING THE ESSENTIAL PURPOSE OF THE COLLEGE TO DEMOCRATIC CONCEPTS
6. THE COLLEGE PROGRAM FOR EDUCATION IN CITIZENSHIP

IN THE DEMOCRATIC state the school has emerged as the chief agency of education for citizenship, overshadowing the family, the church, and the patriotic groups of many different types. Young citizens in the most impressionable years of their lives enter the schools and remain there for long periods of time. Integrated programs of education for citizenship, including the elementary school, the high school, and the college, would, in the course of a single generation, give us a citizenry better equipped to direct the affairs of state and to safeguard the nation against political obsessions, maladjustments, and deformities than any previous American generation has provided.

It is evident, however, that the school cannot be highly effective in education for citizenship unless it is supported by a community morale that springs from a genuine sense of the social and political

CITIZENSHIP AND THE NEW DAY

values that democracy represents.¹ But if the school and the community are not too far apart in their concepts of what constitutes essential citizen behavior, the school, without doubt, is capable of wielding an incalculable influence in stimulating the ideals, creating the sense of values, determining the attitudes in the interest and for the vindication of which democratic government and the state itself exist.

The function of the school, moreover, must not be regarded, either by the school itself or by the community, as only that of instruction, because democratic society is never static. It is always a "becoming" and not merely a "become"; and therefore the school should function not only as a teaching agency but for research, inquiry, discovery, and for the revaluation of democratic social and political experience.

1

All modern states, of whatever character, are accustomed to use the school as an agency, if not as the chief reliance, for the advancement of their particular purposes and ends. In the case of the authoritarian states, the function of the school as regards political education is conceived to be the fostering of manners, morals, and attitudes befitting subjects and to stimulate a patriotism that means loyalty to the existing political regime. Nationalistic traditions are built up and shaped by vested authorities with the view of serving their own aims.² Thus in the German system of education under the monarchy the *staatlich*, or civic, element, in the sense indicated, occupied a place of prime importance. The dignity and majesty of *der Staat*, its legal significance and authority, the prestige of the reigning monarch, the skill and permanence incorporated by the sovereign in public administration, and similar factors were blended in a national tradition that was sedulously inculcated by the school. And this in general is the pattern of civic education that authoritarian states have followed, though ordinarily with less skill and effectiveness than was exhibited under the German system.

The conversion of the German, Italian, and Russian monarchial systems into totalitarian states has meant only an extension of authoritarianism under different forms and procedures, and in different hands. No change of principle in the systems of civic education that existed in these states was needed, and in fact no fundamental

¹ A difficult problem, still unsolved, is to secure through democratic processes competent school board personnel.

² See Merriam, *The Making of Citizens*, pp. 128-30.

WHAT THE SCHOOL SHOULD CONTRIBUTE

change took place. There was necessary reconstruction of tradition to fit new situations, more drastic in Russia³ than in Germany and Italy. There were also new emphases corresponding to the particular ideologies of communism, fascism, and nazism and intensification of effort in order to indoctrinate whole populations with these ideologies, but in character totalitarian education remained authoritarian with the ultimate aim of regimenting individuals and reducing them to the status of cogs in a system that operates like a machine. In discharging the enormous task involved in the imposition of their respective ideologies, all the totalitarian nations made intensive use of the school, with results which provide a startling and convincing demonstration of the potency of the school in molding the lives of the young for illegitimate as well as legitimate ends.

Because citizenship is the bond of union in the democratic order and political authority works from the bottom up, education for citizenship necessarily differs fundamentally from civic education under authoritarianism. "Citizenship" is the key word of democracy because it indicates the place and function of individuals under a system of control in which they figure as units and not merely as pawns.⁴ This system is labeled "democracy"; but it is not to be construed merely as a form of government, or a congeries of inalienable rights declared in a charter and particularized in a body of law. These are but manifestations of democracy, which must not be confused with its essential principle. That principle is recognition of the moral kinship of people: the inherent dignity and worth of all mankind, single or in mass, as individuals or as racial, nationalistic, religious, economic and social groups. Fundamentally, therefore, democracy is collective effort to build a social order on the basis of human dignity and worth, and to develop institutions of government, business, education, religion, and domestic life which function not as ends in themselves but as agencies to promote the "good life" in the fullest measure for all.

Obviously the function of citizenship in democracy is so basically important that it must be discharged in some manner if the democratic state is to operate at all, or what is more, if it is to exist. But the adequate discharge of that function calls for a worthy under-

³ In Russia much of the old monarchical tradition had to be disposed of in order to build up a new proletarian tradition, but more recently there are indications that Russia is turning to her older tradition for material that can be used in shaping the Soviet State.—William Henry Chamberlin, "The Source of Russia's Strength," *Harper's Magazine*, March 1943.

⁴ See Chapter I, pages 15-16.

CITIZENSHIP AND THE NEW DAY

standing of the basic social and spiritual content of citizenship; for good will and control of selfish instincts; for reasoned as against prejudiced judgments and actions; for high standards of personal and social ethics; for a genuine and well-proportioned sense of the enduring values represented in the great democratic postulates, liberty, equality, fraternity, justice, humanity; for a greater devotion to the "general welfare" than any other type of political association implies; for an intelligent grasp of the complex problems with which democratic society must deal; for a capacity to contribute to the thinking of the democratic community and thus to help to form the public opinion that is the motive power of democratic organization; and for a sufficient knowledge of the forms, functions, processes, and procedures of democratic government to qualify the citizen to form intelligent judgments and to participate effectively in the work of government. On first thought it may appear somewhat "starry-eyed" to find these implications in "citizenship," a word that is used so carelessly; but due reflection will show that they are real and not imagined—that it is only as citizens, individually and collectively, make progress and achieve competence in these directions that the democratic state can realize its possibilities and justify its hopes. All these implications, therefore, represent the proper and necessary goals of education for citizenship.

2

Unfortunately, the schools of modern democratic states, on the whole, have not taken the trouble properly to analyze and appraise the concept of citizenship, or to fashion the goals of education for citizenship, or to work out adequate educational programs to achieve those goals. Thus in England, which possesses the richest political background from which to draw material, it is evident that an adequate program of popular education for citizenship has not yet been devised. Hitherto the obstacle to such a program was the fact that England was ruled by a form of social aristocracy in which wealth and hereditary tradition were skillfully and effectively mingled.⁵ This aristocracy provided, and to a great extent still provides, the standards of education. Indications, however, that look toward drastic revision of the English system are now in evidence.⁶ Postwar reconstruction will doubtless bring that revision.

⁵See Merriam, *op. cit.*, pp. 140-42.

⁶The New Education Bill passed by the British Parliament is a long step toward genuine education for citizenship.

WHAT THE SCHOOL SHOULD CONTRIBUTE

In France, up to the outbreak of the war in 1939, educational effort in the interest of the Republic was intensive but not on the lines or for the goals that a sound program of education for citizenship implies. Its material was more or less a compound of political, religious, linguistic, military, economic, and social traditions fashioned by peculiar and often fortuitous circumstances, and preserved and synthesized by leading French writers.⁷ And the use of this material for civic ends looked to the inculcation of the spirit of French nationalism, the promotion of loyalty, in the sense of ardent devotion to the state and the spirit of compliance and obedience.

In the United States, until within recent years, education for citizenship as conceived by the public school has not differed greatly in character from the French system. Its chief note has been "glorification of the nation, with a minimum of reflective analysis."⁸ In the words of George A. Coe,

The dominant tone of the material that is put before our young citizens is that of jingoistic nationalism. There are noteworthy exceptions, noteworthy because they are more true to fact, and more revealing as to the questions that thinking citizens must decide. But for every one of the sober, educative texts used by the schools, there are a dozen or a score which are recklessly nationalistic.⁹

Similarly, a distinguished group of public school educators, meeting in 1932, reported that the textbooks in history and other subjects used for education in citizenship in most of the public and private schools of the United States still reflect, more or less, the distortions of wartime propaganda, and the propaganda of interested groups controlling national policies.¹⁰

That tremendous advance in the content, tone, and methods of education for citizenship, largely as a result of the work of the Policies Commission of the National Education Association, a commission of the American Historical Association, and a few outstanding educational leaders,¹¹ has been made by the public school since 1932 is now fully substantiated. A notable report of the N.E.A., in the form of a case book of programs now in use by various schools

⁷ See C. J. H. Hayes, *France*, pp. 26 ff.

⁸ Merriam, *op. cit.*, p. 388.

⁹ *Education for Citizenship*, p. 65.

¹⁰ At a meeting of the Department of Superintendence of the National Education Association.

¹¹ Notably George A. Coe, George S. Counts, and Merle Curti.

CITIZENSHIP AND THE NEW DAY

throughout the nation, provides concrete and convincing proof of that advance, an advance that is all the more remarkable and promising because it has taken place in the brief space of a dozen years.

The cases cited in the report show that a great variety of experimental courses in citizenship education are being offered by the more progressive schools in many states of every section of the Union. These courses stress six main topics: (1) the meaning of democracy and citizenship, (2) civil liberties, (3) the dignity and worth of the individual in the democratic state, (4) economic trends and problems, (5) the common welfare, and (6) democratic political institutions and processes.¹²

Thus a course presented by one school gathers about the "American Tradition."¹³ In the political field, the course deals with the extension of the franchise, the reform spirit in political parties, and institutions designed to give greater popular control; in the economic field, with the distribution of income and the extent to which economic life is subject to social control; in the social field, with the measure of equality of opportunity among different economic groups and races and between the sexes, with social responsibility for the unfortunate, and with protection of individual rights. And in gauging the general character of American tradition, with its individualistic and collective emphases, the course considers American tolerance concerning religion, race, and nationality and weighs American progressivism and conservatism.

A course in another school¹⁴ is entitled "The American Drama"; and its goals include a study of individual liberty, equality of opportunity, contributions of racial and national groups to American culture, and the American ideal of tolerance. The course throughout is a skillful mingling of current problems with historical trends and of contemporary literature with the great documents of our democratic tradition.

In another school a course¹⁵ is designated "Democracy in Action." Its emphases are upon the development of democracy in the school for the solution of school problems, the growth of constitutional democracy in the United States, democratic practices and theories of the colonial era, formation of the Federal Constitution, the growth

¹² See *Learning the Ways of Democracy*, Policies Commission, N.E.A., pp. 45-46.

¹³ The Fieldston School, New York City.

¹⁴ A history class in a high school of Tulsa, Okla.

¹⁵ The Eugene (Ore.) High School.

WHAT THE SCHOOL SHOULD CONTRIBUTE

of democracy under the Constitution, and participation in the political life of the city, state, and nation.

In another school¹⁶ the course is a survey of "Democracy and Its Competitors," which notes the background of the struggle between democracy and dictatorship; compares democracy with nazism, fascism, and sovietism; and presents important governmental features of the United States, England, France, Germany, Italy, and Russia. The students study business, agriculture, and labor, education and religion, under democracy and dictatorship; the role of press and radio in modern governments; communism, fascism, and nazism in the Western Hemisphere; and how to conserve and improve democracy in the United States.

In a few schools¹⁷ a course on the civil liberties is offered, which, with variations, deals with the development of Anglo-Saxon-American liberties as embodied in the Magna Charta, the Petition of Rights, the Declaration of Independence, the Bill of Rights, and similar documents; civil liberty as personal and property rights; repression of civil rights in America by such means as the Alien and Sedition Laws, the chattel slavery of the nineteenth century, court decisions against labor, the Know-Nothing party, the Ku-Klux Klan; recent restrictions of liberty, as in the Tom Mooney, Herndon, and Scotsboro cases, the applications of Georgia's Insurrection Law, the activities among the sharecroppers, the resort to martial law in Terre Haute; the status of civil liberties in the democracies and under communism, socialism, and fascism; and the relation of civil liberty to public opinion.

Gathered from other schools, both East and West, and described in impressive outline, are courses that emphasize the dignity and worth of the individual; social living; human values; the rights and responsibilities of minority groups; citizen responsibility and current economic problems; the problems of social welfare; social conflict and co-operation; social security, housing, crime problems; political institutions and processes.

These and many other courses described at length in the *Case Book* of the N.E.A. commission show impressively the changing approach to the problem of citizenship education that is developing in our public schools. Taken as a whole they indicate great advance, but they do not constitute a comprehensive and integrated program of education for citizenship. Obviously, not a few of the courses—in

¹⁶ Theodore Roosevelt High School, Des Moines, Iowa.

¹⁷ Notably, high schools in Cleveland, Ohio; Rochester, N. Y.; and Schenectady, N. Y.

CITIZENSHIP AND THE NEW DAY

view of the immaturity of the students to whom they are offered, the limited time given to them, and their failure to take account of the more significant features of citizenship—appear somewhat pretentious. Furthermore, it must be kept in mind that the schools offering such courses represent only a small fraction of the total. Nevertheless, these courses, with scarcely an exception, represent invaluable experimentations in education for citizenship which cannot fail to influence profoundly the character of the public school program.

3

If the teaching program of the public school is to be highly effective in the making of competent citizens, it must be supplemented with training in democratic living. The thinking of the students in regard to the concepts of citizenship must find expression in forms of action. The responsibilities of citizenship must be assumed and not merely "talked about."

A pertinent criticism of the public school is that its discipline, for the most part, has always been despotic in character and out of line with democratic concepts and processes, and that in consequence any instruction about self-government has been offset very largely by the atmosphere in which the school operates and the students necessarily live. The presumption here—and it seems entirely valid—is that the only really effective way to prepare our youths for democratic association is for them to engage in it. And public school life under wise guidance presents such an opportunity. It has within itself all the conditions necessary to create a "laboratory" in which democratic principles can be tested in ways that create patterns of behavior for future years and for the larger and more complex relationships of the democratic community.

All thoughtful Americans want to increase American social cohesion. However, they hold two contradictory concepts of how this is to be accomplished, concepts which in some way must be reconciled. According to one of these concepts, the way to overcome factional divisions and to bring about the unification of American society is to enlarge the scope and to increase the number of mechanized conformities. This concept, rooted in the despotic atmosphere and discipline of the public school and strengthened by the regimenting habits engendered by two great wars, is responsible for the steady increase of arbitrary directives which now affect, and at times threaten to stifle, American democracy.

The other concept emphasizes the possibility of increasing demo-

WHAT THE SCHOOL SHOULD CONTRIBUTE

cratic social unity by improving the quality, range, and emphasis of self-determination through processes of education which are really democratic in spirit and practice as well as in objective. Democratic society, as a matter of course, must operate under social directives, but the thing that makes democratic society democratic is the fact that the judgments of individual citizens and groups determine democratic purposes and aims; and social directives are democratically and not arbitrarily imposed, and thus are also in consonance with democratic purposes and aims.

This is only to say that human nature has a capacity which the school as a consciously functioning part of the whole scheme of the American democratic system must develop. The American public school is in fact a phase or segment of the American democratic state, and the sovereignty of the state is always present in the school whether it is recognized or not. As such, it must be conducted in a manner that is compatible with the character of the state. Maintenance of a despotic atmosphere in the school and reliance upon a despotic system of discipline are in effect denials of the democratic character of the state. This does not mean that school administrators and teachers must abdicate their proper authority. Nor does it mean that a system of self-government in imitation of the externals of the state should be set up in the school. It does mean, however, that within the limits of state sovereignty present in the school, conscious mutuality of self-determination, and responsibility among administrators, teachers, and pupils should be built up. Those factors of sovereign control residing in school officials and teachers that cannot be transferred should be explained and tactfully asserted, but outside of these factors conscious mutuality should be established and shared to the extent of the mental capacity of the pupils of the different grades.¹⁸

4

No less important than the contribution of the public school toward the preparation of American youths for effective citizenship is the contribution of the college, including the undergraduate department of the university and the teacher training school. Though the public school necessarily is, and must remain, our chief reliance for

¹⁸ See Coe, *op. cit.*, pp. 38-44

The Case Book in Civic Education by the Policies Commission of the N.E.A. shows extensive experimentation in public schools that looks toward the substitution of a rational system of "self-government" for the despotic discipline that hitherto was so general.

CITIZENSHIP AND THE NEW DAY

such education in the case of an overwhelming majority of our youths, we must not on that account minimize or lose sight of the particular and vastly important contribution that institutions of higher education can and should make. Obviously the effectiveness of citizen training in the public school will depend largely upon the competence of teachers to shape and to administer an adequate program that looks definitely to such an end. For the college to undertake to supply such teachers would fulfill, in part at least, what is clearly a chief function of the college in the democratic state, that is, to provide competent leadership. A favorite notion of Thomas Jefferson was that a wise democratic society would search out its intellectually superior young people and give them opportunity for higher education in order to prepare them for competent democratic leadership. Such a purpose for college education is entirely valid. It gives the college a real part to play in shaping the course of democracy and supplies social motive for support of the college.

The college, to be sure, is a complex institution representing various related purposes which in correlation declare its total aim. Broadly speaking these purposes are intellectual, personal, spiritual, social, political, scientific, technological, vocational, cultural, and avocational. In the nature of things we cannot help being bound by reciprocal responsibilities that arise out of our entire associated life, and the college must take account of these responsibilities and provide the intellectual tools and the moral climate by reason of which structural improvement in organized living can be more rapidly invented and applied to the end that all institutions shall contribute more certainly to the good life.¹⁹

Basic in the total aim of the college is the purpose to develop capacity in the student to think, to reason, and to evaluate, and not merely to accumulate information; the capacity to assess the values of life and to determine what men should be and do, and not merely to discover what the world is and does.

For centuries of Western civilization education in the liberal arts was conceived primarily as cultivation through discipline of the intellectual powers; as the development of speculative capacity, critical judgment, quickened insight; power in practical affairs to make disinterested inquiry; the ability to distinguish between means and ends; the urge to seek and to use knowledge for unselfish ends. The traditional instrumentality used by the college to achieve these ends

¹⁹ Ordway Tead, *New Adventures in Democracy*, chap. ii. The above is an abbreviated rather than an exact reproduction of the textual statement.

WHAT THE SCHOOL SHOULD CONTRIBUTE

was firsthand contact with the books of the greatest thinkers of our Western culture, together with a careful study of the classical languages and literature and of mathematics. The departure of the modern college from these curricular standards has seemed to many a great educational loss.²⁰ It is evident, however, that no generation has a right to select for future generations the tools that must be used in the processes of a liberal education. But in remaking the college curriculum, which is merely a process of selecting educational tools, serious mistakes may easily occur. Thus it is now generally recognized that the elective system as at first conceived and widely administered was a mistake, because it permitted too great latitude for the immature student to select the studies he liked best or thought would serve him best. This fault, however, is being corrected by the adoption of the group system of electives, since to a great extent it substitutes faculty choice of studies for student choice. Properly administered, the group system should serve a disciplinary purpose quite as well as did the system of the old-fashioned college.

5

In the democratic state the purpose of the college to promote intellectual discipline and to create the capacity for value judgments must definitely be related to democratic concepts, ideals, and aspirations, as well as to democratic forms and processes. So indispensable to effective citizen action, and therefore to the proper functioning of the democratic state, are intelligent evaluation of the democratic ideal and its implications that the development of student capacity to make such evaluations should be a main concern of the college in a democracy. Hitherto, so far as the college has attempted to deal at all with the problem of education for citizenship, it has put too much emphasis upon the externals and complexities of political organizations, governmental forms, mechanisms, processes, and too little emphasis upon the values, functions, and responsibilities of citizenship. It is true, of course, that effective citizenship implies a working knowledge of political externals, just as the driver of an automobile must have a working knowledge of the principles of automotive transportation. But it is evident that detailed knowledge of the intricacies of government in dealing with the complex problems of American society is no more necessary for effective citizenship than is a detailed knowledge of carburetion, ignition, lubrication,

²⁰ See Barr, "The Education of Free Men," *The New Republic*, Aug. 31, 1942.

CITIZENSHIP AND THE NEW DAY

transmission, or the cooling system necessary in order to drive an automobile.

"Liberty," said Montesquieu, "can consist only in the power of doing what we ought to will." What the savant evidently had in mind was the power guaranteed by government to do what we ought to will. But that, observes an astute analyst, raises some pertinent questions, What advantage to have such a guarantee if, as citizens, we do not know or have any intelligent judgments about what we ought to will? What advantage to us as citizens that the Constitution guarantees to us the right and the freedom to worship God if we have no God to worship; or the right to assemble freely to criticize the government if we lack adequate standards by which to judge the actions of government; or what advantage that a free press is guaranteed if neither editors nor people comprehend the ends that a free press should subserve? Our constitutional framework does not teach us how to form value judgments or to make decisions. That is the task of education; and should education fail the citizen in this respect, a democratic framework of government would be without meaning.²¹

Thus the great objective of education for citizenship is to create citizen understanding of the real aims of the democratic state and to secure unity of purpose in promoting those aims. Otherwise the state becomes a "shifting, whirling collection of pressure groups, of factions and parties in the baser sense."²² Government becomes not a collective effort to achieve "the good life" for all but a mere conglomeration of private interest activities. Hence education for citizenship must stress the ideals, values, functions, and responsibilities of citizenship, and not merely the mechanisms and processes of government. The roots of the democratic state are embedded in the ethical nature of man. Its motive power is reason and not force; its vigor, progress, and endurance as a democratic state depend upon community of ethical ideals expressed in institutions, not the least important of which is the liberal arts college.

6

In character and aim a college program of education for citizenship necessarily corresponds in its important features to the program of the public school except that it should be administered on a higher level and be far more rigorous. And like the public school program

²¹ See Barr, *loc. cit.* This passage is a summary of Mr. Barr's argument.

²² Meiklejohn, *Education Between Two Worlds*, p. 178.

WHAT THE SCHOOL SHOULD CONTRIBUTE

it should be integrated with the entire program of the institution and particularly with the social science courses. Thus in a mid-western college, over a period of eight years (1931-39) the following experimental courses were offered: (1) A course in "Competent Citizenship," which dealt with the evolution and meaning of citizenship; citizenship experiments in the ancient and in the modern worlds; the incubation of citizenship in America; the assumption of natural citizen competence; the function of citizenship in the democratic state; the voting process and its problems; the basic philosophy of citizen ideals and values; the creation of a citizenry. In connection with the course were required readings from the writings of the master social thinkers: Plato, Aristotle, Locke, Montesquieu, T. H. Green, Bernard Bosanquet, Sir Henry Jones, F. N. Bradley, Benedetto Croce, H. J. W. Hetherington, L. T. Hobhouse, M. P. Follet, William E. Hocking, Norman Wilde, and others. (2) A course in "American Civil Liberty," which dealt with classical definitions of civil liberty; "what civil liberty means in the modern democratic state"; "English sources of American liberty"; the process of establishing civil liberty in America; religious liberty as a civil right; liberty of expression; security of person and property; fair penal trial and just punishment. (3) A course in contemporary political thought, which in character was a course in comparative ideologies rather than in comparative governments. (4) A history course which in character was an analysis of democratic developments from the American Revolution and the adoption of the Federal Constitution to the present time.

All these were junior and senior courses. They were preceded in the freshman and sophomore years by the customary courses in European and American history and American government, and a one-semester survey course in the history of the English constitution. And these were correlated with two other junior and senior courses, in municipal government and administration, and in American-world policies; and with other courses in the fields of economics and sociology. These courses were elective, but were allowed to count toward the required number of hours for history and political science majors and minors, and for minors in other social science departments. With the exception of the first year, when the courses were being inaugurated, they commanded a growing student interest until eventually class enrollments became too large for effective class administration.

In connection with these courses, activities outside the classroom

CITIZENSHIP AND THE NEW DAY

were organized for the purpose of providing experience in the use of proper group methods; to stimulate collective citizen thinking, the formation of collective judgments, decisions, and actions so necessary in the democratic community; and to encourage vigorous co-operative efforts to promote the common welfare. For the direction of these activities a Students' Citizen Council, open to all students of citizenship and related courses, was organized. Membership in the council was not compulsory, but in the grading of classroom work definite account was taken of attendance at its meetings and active participation in its work.²³ The subjects chosen for discussion at the meetings related, for the most part, to current local, national, and international problems of commanding importance and interest. The programs were arranged by the students, and meetings were conducted according to parliamentary usage. In order to heighten interest in these meetings, a plan for an occasional exchange of speakers to present the subject of the meeting was worked out with a group of several colleges within a limited region. It was found that a few meetings each year addressed by visiting student groups gave particular interest and verve to the general discussion, so much so that reluctance to adjourn was often shown when the closing hour came.

Some agency in the democratic community to promote citizen discussion for the purpose of clarifying public thinking and developing that intangible force called public opinion, which is the vital breath of democracy, is indispensable. Without question, the free press, when it is free and not the voice of a self-interest class or group, and the radio, when it is not an instrument for special pleading, contribute substantially to these ends. But nothing can take the place of a meeting of citizens face to face in open discussion of the problems of the common weal. A college discussion organization such as described, coupled with well-planned citizenship courses, cannot fail to be of immense service in equipping leaders and supplying techniques for the use of community discussion groups.

Other activities of the students' council group, generally in cooperation with a senior group projected in the community, resulted in (1) an investigation of the citizenship programs of the various high schools of the state and the issuance of a report;²⁴ (2) a study

²³ During the eight-year period from 1931 to 1939 the membership of the council from year to year ranged from 350 to 450, making a total for the period of about 3,000. The attendance at regular meetings, except in bad weather, was always good.

²⁴ In replying to the questionnaire, the superintendent of schools in one of the

WHAT THE SCHOOL SHOULD CONTRIBUTE

of the traffic problems of the community, the listing of hazardous conditions amenable to correction, and the preparation of a petition with five thousand signatures requesting the city government to take cognizance of these conditions and to provide corrective measures; (3) the organization of a state-wide educational campaign looking to the improvement of the state system of penal and correctional institutions; (4) the arrangement of a joint meeting of the two houses of the state legislature for a discussion, under the leadership of a nationally known expert, of county reorganization; and (5) the conduct of a citizens' forum, over a period of six years, that presented speakers of national and international reputation to discuss American and world problems of pressing importance.²⁵

Other colleges and universities throughout the country, notably Syracuse University, the University of Oklahoma, Southern Methodist University, Stanford University, Yale University, the University of Toledo, the University of Chicago, and the University of Wisconsin, are placing special emphasis on education for citizenship. Many colleges, without organizing a citizenship program or offering special courses, are endeavoring to make a better use of customary courses, particularly social science courses, in the interest of training for citizenship. It is significant and encouraging that liberal arts institutions the country over are beginning to realize that if the democratic state is to survive in the modern world there must be a better trained citizenship and that in providing that training institutions of higher education have an important contribution to make. Doubtless, in due time, the experimental efforts of the colleges of the nation for better citizenship education will be tabulated and analyzed and the results adequately studied, so that more effective programs for such education will be worked out than any that have yet been devised.

Teachers in general need to be enthused with the ideals and values affirmed by our democratic ideology: faith in the dignity and worth of the individual man as an end in himself; belief that it is better to be governed by persuasion than by coercion; that fraternal good will is more worthy than a selfish and contentious spirit; that in the long run all values are inseparable from the love of truth and the disinterested search for it; and that knowledge and the power it

larger communities of the state said that his program for citizenship training was a good paddle adequately applied. Not a few answers were in a similar vein.

²⁵ These activities were of the nature of laboratory work and were linked with the teaching of the classroom. They are not described as extracurricular, because a college program for education in citizenship is not necessarily confined to the classroom.

CITIZENSHIP AND THE NEW DAY

nfers should be used to promote the welfare and happiness of all men rather than to serve the interests of those individuals and classes whom fortune and intelligence have endowed with temporary advantage. These are the ends to be sought by education for citizenship. The high school and college programs are merely the tools. Given a teaching personnel who really understand the aims and ends of education for citizenship, adequate tools will readily be found.²⁸

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²⁸ Carl L. Becker, *New Liberties for Old*, pp. 124-51.

Chapter XVI

Citizens' Groups and Their Functions

The citizens' group is a wholesome democratic institution, for the accomplishment of democratically determined objectives. . . . The history of every hamlet and metropolis alike contains instances of beneficial legislation promoted, harmful legislation prevented, and administrative practices improved by local citizens' organizations.

Every citizens' group has a prospectus of some kind, and the self-portrait painted there often fails to recount defeats and disappointments. But the significant thing is that there have been victories.

—HOWARD M. KLINE

1. THE WELTER OF CITIZENS' ORGANIZATIONS
2. NEEDED DIFFERENTIATIONS
3. EXAMPLES OF BONA FIDE GROUPS OPERATING ON A NATIONAL SCALE
4. VARIETIES OF LOCAL GROUPS AND THE NEW TRENDS
5. NEEDED REALIGNMENTS

IN THE DEMOCRATIC state, where political authority resides in the citizen body and citizen opinion is the motive power, citizen organizations are both natural and necessary. They are units for the formulation and the mobilization of citizen opinion and for the translation of opinion into action. Government today on every level represents great technicalities and complexities before which the average citizen as an individual is well-nigh helpless. Whether these intricacies are beyond the competence of the ordinary citizen to form judgments has been a much-disputed question. Democracy, however, proceeds upon the faith that they are not beyond his competence, or at least such competence can be developed. Citizens' organizations are at once an expression of democratic faith and an essential feature of the democratic process in promoting competence. As previously shown,¹ a large, if not preponderant, number of citizens lack dynamic political interest and are therefore politically inactive even when the most vital public issues must be decided. Citizens' organizations

¹ In Chapter V.

CITIZENSHIP AND THE NEW DAY

operate upon the assumption that the basic cause of this lack of interest is lack of trustworthy information, and that through associated effort such information can readily be obtained and utilized in ways that will promote interest understanding, a sense of responsibility, and a desire to participate worthily in the work of government.

1

A well-informed writer in *The Annals*² calls attention to the "welter" of citizens' organizations that now exist, organizations to change government, and to keep government as it is; to get government to do things and to keep government from doing those same things; organizations of public officials, of politicians, of teachers, of students, of researchers, of taxpayers, of bondholders; organizations with limited programs, which cover merely the problems of the local community, or with a specific objective and a nation-wide program, such as the association to promote proportional representation, or with such an objective and only a local program, such as the neighborhood improvement associations. In addition to these are the numerous women's and men's organizations of civic or semi-civic character, the various social service groups, and the many groups that spring up like mushrooms and as readily disappear because the specific issue out of which they grew is solved and the interest in other issues is not strong enough to suggest a broadening of their programs. "In nearly every city, county, and village in the land," says Mr. Jones, "there is some kind of civic agency—all too frequently many kinds. Each of these is cutting its own grass and paying no attention to its neighbor."³

This chaos of citizen groups, all clamorous for public interest and support, is highly confusing and damaging when considered with reference to the effectiveness of worth-while groups which have a real claim on public interest that ordinarily would be recognized if it could be presented independently of the vast confusion with respect to citizens' organizations that is so general. Typical of an attitude widely shared is the answer of a well-known businessman to a recent appeal of a reputable and responsible citizens' organization that for nearly a half century has promoted on a national scale a meritorious and highly successful program. "This work as you have described it," he said to the representative of the organization, "looks

² Howard P. Jones (secretary of the National Municipal League), "Citizens' Groups, Tool of Democracy," *The Annals of The American Academy* . . . , September 1938.

³ *Ibid.*

CITIZENS' GROUPS AND THEIR FUNCTIONS

very good to me, but what about these other requests?" Thereupon he took from a folder nearly a score of letters and circulars, all of them appeals for the support of various citizens' organizations, some of them local, others state wide or national in scope, and all purporting to represent valid and vitally important interests. "What," he asked, "is a businessman to do about all these appeals? I am not willing to support any organization or cause unless I know that it is really important, and I just haven't the time to investigate all these requests." In many communities businessmen are attempting to solve this problem by some kind of concerted action. Thus, in a large Pacific Coast city many business interests—manufacturing, shipping, banking, wholesale and commission houses, department stores, drug-stores, and other retailing interests—are associated more or less strictly on a classified basis. Each group or a few groups in combination maintain an office and a secretary charged with the duty of investigating the merits of each appeal and reporting his findings, with a recommendation, to the responsible heads of the various associated business interests.⁴ Such an arrangement, no doubt, may work both to the advantage of citizens' organizations with a real claim on the public and to businessmen who are interested in supporting such agencies; on the other hand, it may work to the advantage of neither. It depends wholly upon the competence of the secretaries who investigate the appeals. In the case, for example, of one of the business associations, in the instance cited, it was eventually brought to light that because of the prejudiced recommendations of a secretary many responsible businessmen had contributed regularly and substantially to the support of an organization that was wholly undemocratic, represented no legitimate citizen interests, and later was thoroughly discredited.

Thus a welter of organizations, many of them inconsequential or spurious,⁵ with their competing demands, necessarily works to the disadvantage of citizen organizations that are thoroughly sound in principle and vitally important as units to promote intelligent citizen thinking and effective co-operation in translating that thinking into action. Such organizations as the latter deserve public support, and most of them are more or less crippled by lack of it. Obviously the field of citizen organizations and programs should be cleared

⁴ A very general practice is for the Chamber of Commerce to serve as a clearing-house, especially in dealing with local appeals.

⁵ The derisive terms "do-gooders" and "uplifters," sometimes indiscriminately used by the daily press doubtless were suggested by the prevalence of groups with futile aims or hidden sinister purposes.

CITIZENSHIP AND THE NEW DAY

in order that public attention might center upon those organizations dedicated to and really serving the public interest.

2

To call the roll of the numerous groups that operate as citizens' groups and to determine which are bona fide citizens' agencies and which are not, which are entitled to public interest and support and which should be viewed askance, would be an onerous task, too great for the limits of this discussion. A chief difficulty lies in the fact that sources of information about citizens' groups do not yield any substantial agreement as to the proper norms for making such an appraisal. Ordinarily the concept is used so broadly that it includes any group whose membership is recruited from private citizens and whose professed purpose is a worthy human and social end. Thus patriotic, religious, fraternal, educational, social service, taxpayers', research, manufacturing, trade, peace, youth, and numerous other groups are lumped together as citizens' organizations. This indiscriminate use of the word "citizen" or "citizenship" as a label for almost every type of social organization is necessarily confusing to the public mind. It is a misuse of terms which are strictly political in their meaning, because "citizen" indicates the status and "citizenship" the functions of people in forms of political association which they themselves originate and control, in which public policy is determined by the public will and government is the agency of the public to execute that policy. It follows, therefore, that bona fide citizens' groups are groups of people organized as citizens primarily to further the legitimate purposes and aims of citizenship.⁶ These purposes may be, in general, to promote more effective citizenship through carefully planned efforts to stimulate greater citizen interest, better informed and more careful citizen thinking, more intelligent and responsible citizen action; or, in particular, to consider proposed public policies with a view to creating informed opinion about them, or existing abuses of government on whatever level and the necessary corrective measures; or new techniques of administration to make government more efficient. The complexities of the modern democratic state that must be resolved by intelligent citizen opinion and action are countless in number. The proper functioning of citizens' organizations lies within this vast and immensely important field. People,

⁶ The labor union, the bankers' association, and similar groups may and properly do consider questions of political connotation; but in the very nature of things they think and speak as special groups with special interests.

CITIZENS' GROUPS AND THEIR FUNCTIONS

however, have other interests besides those which grow out of citizenship; they have religious, humanitarian, scientific, technological, professional, business, literary, fraternal, racial, recreational interests, all more or less characteristic of the civilized community whatever its form of political association. People naturally group themselves on the lines of these interests, and such groups operating in a democratic society, especially educational and character-making groups, may have a real value for citizenship, but to save confusion they should be labeled according to their primary purpose and not designated as citizens' groups.

Thus classified, the number of groups, if we are to judge by their proclaimed objectives, belonging to the category of citizens' organizations is overlarge in every democratic country—larger, proportionately, in the United States and France than in Great Britain, Switzerland, and other democracies. Many of these, ostensibly patriotic groups motivated by the desire to conserve and to further democratic ideals and purposes, are in fact wholly reactionary in spirit, designed primarily to protect the ideology of propertied interests.⁷ Others are purely selfish private-interest groups, "which seek to disguise their real purposes by clothing their organization with the nicety of a citizens' title"⁸—spurious citizens' leagues, taxpayers' associations, reform clubs, which have no real public interest but at the bottom are intended as foils to mislead the unwary. Exploration of all citizens' groups, with a view to distinguishing between the really meritorious and the spurious, is greatly needed.

Such an exploration necessarily would take account of the motivation as well as the declared objectives of an organization; the sources of its revenue and the nature of its disbursements; the principles upon which its program is based and whether they really belong to the general sphere of the citizen's relation to his government; the methods employed, whether they represent a scientific approach or are based merely upon assumption and "hearsay"—whether, in short, their credentials bear the marks of authenticity.

And besides the effort to differentiate the groups which really merit public confidence,

an exploration of these agencies might seek to determine more specifically, than present information supplies, the importance of citizens' organiza-

⁷ See Merriam, *The Making of Citizens*, chap. iv.

Perhaps the most dangerous of all are the groups which in the name of patriotism and religion promote religious and race hatred, with results portentous of evil.

⁸ Klein, "Citizens' Groups in Review," *National Municipal Review*, October 1941.

CITIZENSHIP AND THE NEW DAY

tions in maintaining efficient democratic government on its various levels; to reveal the various successful methods in the sphere of organized citizens' action that have been used in particular situations; to discover the kind of activities most likely to capture and hold citizen interest and to insure sustained participation in organized effort; and to discover, so far as possible, the principles and procedures which are common to successful citizens' groups, with the view of constructing a pattern more or less subject to general application.⁹

3

The following citizens' groups, functioning on a national scale, may be cited as examples of organizations that fully meet the tests of historical perspective; dedication to the public interest; scientific method; and, furthermore, present records of substantial achievements, which constitute, in scientific statement, "invaluable experimental credentials."¹⁰ Two of these groups, the National Municipal League and the Proportional Representation League, operate primarily in the field of state and local government, stressing the need of adequate forms, methods, and techniques necessary to the proper functioning of government. Two others, the National League of Women Voters and the Union for Democratic Action, belong to the general field of democratic political action, combining educational with pressure methods. Another group, the Civil Liberties Union, is also an educational and pressure group with particular regard for democratic liberties, especially the liberties of the underprivileged and of racial minorities.

The history of the National Municipal League extends as far back as 1893 when a group of leading citizens, including such distinguished persons as Theodore Roosevelt, Louis D. Brandeis, James C. Carter, R. Fulton Cutting, and Charles J. Bonaparte, gathered in Philadelphia at the first National Conference for Good City Government. City government at the time was generally corrupt, characterized by mismanagement, illicit relations with lawbreakers, and plunders of many kinds, an uncurbed patronage system administered without shame, "a veritable dark continent of politics," as it was termed by James Bryce. The purpose of the conference was to effect an organized effort to improve a deplorable situation, and the National Municipal League was projected a year later as a clearinghouse on ways and means.

⁹ Jones, *loc. cit.*

¹⁰ Robert Andrews Millikan, *Evolution in Science and Religion*, p. 16.

CITIZENS' GROUPS AND THEIR FUNCTIONS

Through the years that have followed, the league has addressed itself persistently to the problems of city government, but from time to time has broadened its program to include the problems of local government in general and likewise some of the problems of the States. One of its greatest achievements is the Council-Manager Plan, a modern, orderly, responsible system of handling the affairs of cities, towns, and counties in a manner to provide the necessary public services with a minimum of waste, dishonesty, favoritism, and other faults which plague politics and weaken people's faith in democracy.¹¹ Within the course of a single generation the Council-Manager Plan has extended its benefits to nearly six hundred cities and counties. The experience of these communities shows that the plan is not a cure-all, that like any other human device it can go wrong, but that on the whole it is the plan of local government least able to defy public sentiment or escape popular control, and the easiest to operate without the aid of a political boss or an undercover machine.

In addition to this signal achievement, the league has helped to create, adapt, or place in operation practically all new forms of local government, improved administrative methods, and changes in election machinery adopted in the United States. More specifically, and worthy of special note, it helped to develop and promote adequate budget procedure, proper accounting methods, centralized purchasing improved tax-collection methods, scientific assessment procedure, and the short ballot in elections.¹² Moreover, in carrying out its extensive program the emphasis of the league upon the importance of citizen interest, alertness, intelligence, has contributed substantially to promote competent action on all levels of government.

The American Proportional Representation League was the outcome of the Proportional Representation Congress held in Chicago in connection with the World's Fair of 1893. Its early membership included such well-known American citizens as William Dudley Foulke, John R. Commons, W. D. McCracken, William H. Gove, Alfred Cridge, and Stoughton Cooley. Its focus of interest is to secure the general adoption of a plan that would provide public representative bodies, town and city councils, state legislatures, and even a national congress, in which every group of like-minded voters

¹¹ National Municipal League, *The Story of the Council-Manager Plan*, p. 3.

¹² See Jones, *loc. cit.*

CITIZENSHIP AND THE NEW DAY

would have the same share of members elected that it has of the total votes cast.¹³

The contention of the league is that, since a true democracy demands majority rule, it is important for the membership of public representative bodies to be so constituted that minority as well as majority groups of voters shall have a chance to be heard and considered in their proper proportions. Thus, in a typical New England "town meeting" every voter has a voice no matter what his views. But in town and city legislative bodies, state legislatures, and Congress, whose membership is based on geographical districts and party pluralities within those districts, it necessarily follows that important minorities are left without representation. Thus in the aldermanic election of New York City in 1935 the Democratic vote was 66.4 per cent of the total, the Republican 26.1, the Socialist 3.9, and other parties 3.9. Yet the Democrats elected 95.4 per cent of the aldermen, the Republicans 4.6, and the other parties none. Similarly, in the 1930 election of West Virginia representatives in Congress the total vote was almost equally divided between Democrats and Republicans, the former having a majority of 791, and yet the minority party elected four out of six representatives. In 1912, the year of the Progressive split in the Republican party, the Democrats of Indiana polled about 45 per cent of the total Congressional vote of the state and elected all of its thirteen representatives. Again in 1918 the Democrats polled the same proportion of the total vote but failed to elect any representatives. These examples are more or less typical of election results, under the present system, as they affect the make-up of public representative bodies throughout the nation.¹⁴

Election machinery, say the advocates of P.R., that works in such a manner is neither democratic nor fair because, just as likely as not, it results in misrepresentation instead of representation. To correct the situation, a system of elections is proposed that would make representation in public representative bodies correspond to the actual political opinions of the people. Thus any group of voters with 20, 40, or 60 per cent of the total vote would have about that

¹³ In 1932 the Proportional Representation League was merged with the National Municipal League. However, its identity and the continuity of its program have been conserved.

¹⁴ See Hallett and Hoag, *Proportional Representation—the Key to Democracy*, pp. 13-26.

CITIZENS' GROUPS AND THEIR FUNCTIONS

portion of elected representatives.¹⁵ For the election of single officers a principle of preferential voting which would allow the voter a second choice for each office is advocated by many proponents of the system. Under this plan, a primary nomination is not required. Nomination is by petition, and when the leading candidate in the subsequent election does not receive a majority of the votes, but only a plurality, the second choices of the ballots are counted and a majority for one or another of the leading candidates is secured.¹⁶

The substantial progress that the campaign for P.R. is making is shown by the increased interest in the plan now obvious throughout the nation. Within the past two decades it has been put into use, for the election of council members, by such representative communities as Cincinnati, Toledo, and Hamilton in Ohio; Cambridge and Lowell in Massachusetts; Wheeling, West Virginia; Boulder, Colorado; Norris, Tennessee; Yonkers and New York City. The adoption of the plan by New York City in 1936 naturally has brought the proposal forcefully to the attention of all our leading cities. In many of these cities, notably Kansas City, St. Louis, Chicago, Philadelphia, and Boston, influential citizens' groups have sought the adoption of P.R. as the way of escape from misrule. Further evidence of this growing interest is the fact that, in several states, movements toward adopting the plan for the election of legislators and congressmen are taking shape.¹⁷

The formal organization of the National League of Women Voters dates back to 1920. Its particular field includes the whole body of American women and its purposes are to increase the number of citizens who share the values and convictions of democracy, and by means of organization to channel those convictions, in ways that help to make democracy work. With 590 local leagues, 32 affiliated state leagues, and 29 college leagues, it is one of the most imposing

¹⁵ James T. Young, *The New American Government and Its Work* (pp. 856-59) explains the two forms of P. R. known as the Hare and the List Systems. See also Hallett and Hoag, *op. cit.*, chaps. v-vi.

¹⁶ Suppose, for example, that there are three or more candidates in the field for some public office. The vote for one is 12,000, another 10,000, and another 5,000. Under the present system the first would be elected by a plurality but not by a majority, whereas a preferential system might easily give the majority vote to the second or the third candidate. For details of the preferential plan, see Young, *op. cit.*, p. 859.

¹⁷ Great interest in P. R. is also developing in Canada, Australia, the South African Republic, and India. In Denmark, Costa Rica, and Eire, formerly the Irish Free State, it is used in both local and national elections. And in Great Britain it is used by the university districts in electing representatives to Parliament.

CITIZENSHIP AND THE NEW DAY

and also one of the most effective citizens' organizations in the United States.¹⁸

Its educational program is administered through study groups, which in recent years have numbered from 1,500 to 2,000; through public meetings for the discussion of current matters of public importance, of which over three thousand are held annually; and by means of extensive circulation of folders and pamphlets, the material of which in general is well informed and pertinent. Its activities, closely co-ordinated with its educational program, usually relate to such desirable objectives as the adoption by towns and cities of council-manager charters or the incorporation into city charters or state constitutions of the merit system; and the supporting or opposing of proposed bond issues, appropriations for specific purposes, and legislative measures, whether local, state, or national. In this latter field the league is particularly active, and there is ample evidence to show that its influence in securing the passage of good legislative measures and the defeat of bad measures is by no means negligible.¹⁹

The Union for Democratic Action, founded in 1941, though a recent citizens' enterprise and not so well attested by substantial achievements, is making rapid progress in building an effective organization and establishing a worthy record. Its purposes, as stated in a four-point program, relate to (1) American-world relations, with insistence upon the development of a policy that gives positive content to the cause of democracy and assurance of American co-operation with democratic forces everywhere; (2) domestic problems, with emphasis upon the preservation and extension of the social gains of recent years and the allocation of the burden created by the war upon the various sections of the population in such a way that the distribution of consumption will be made as equal as possible; (3) conservation of democratic rights, with emphasis upon those which must be recognized in wartime as well as peacetime, if democracy is to live, and also upon the equal rights of all citizens regardless of race, color, or creed; (4) peace and postwar reconstruction, with emphasis upon the development of economic and political supports of peace, the principles of which would be equally applicable to all peoples and nations, and the establish-

¹⁸ See the pamphlet *Facts About the League of Women Voters*, 1919-41.

¹⁹ *Ibid.* The report of the National League of Women Voters published in May 1943 lists 84 state leagues, 571 local leagues, and 1,500 communities in which there are active members.

CITIZENS' GROUPS AND THEIR FUNCTIONS

ment of contact between democratic and progressive groups in all the democracies with a view to concerted effort in the interest of closer unity between the democracies and for the solution of postwar problems. The timeliness and the vital appeal of this program are shown by the fact that in two years the Union for Democratic Action has developed a membership of 5,000, resources for the maintenance of four regional offices, and a group of competent fieldworkers whose efforts to promote local groups are meeting with marked success.²⁰

The American Civil Liberties Union originated in the early days of the First World War and was conceived as a temporary citizens' movement to assist in maintaining during wartime the freedoms established by the Bill of Rights. But the rise of reactionary forces when the war was over and the continuance of flagrant violations of citizen liberties on a nation-wide scale provided the incentive for a permanent civil liberties organization, which was effected in 1920.

During the years that have followed, the union has steadily enlarged its field of activity as issues have shifted and grown, so that it now deals with the censorship of radio, press, movies, and the stage; the civil rights of organized labor, of employers, and unorganized workers; with the defense of radical, racial, and religious minorities; with issues of freedom in the schools and colleges; and more recently with the rights of conscientious objectors under conscription.

The union is organized as a corporation under the laws of New York. Its active membership consists of its National Committee of between sixty and seventy prominent citizens scattered throughout the country, its Board of Directors composed of about thirty citizens, and over five thousand associate members. In addition there are fifteen active regional committees affiliated with the union. Its active efforts are directed mainly to the courts where the attorneys volunteer their services. Outside the courts it regularly contests repressive measures in Congress and the state legislatures and intervenes with administrative officials for the protection of civil rights. Its publications, researches, and publicity campaigns cover every phase of civil liberty and practically every civil liberties issue that arises.²¹

²⁰ In listing the objectives of the Union for Democratic Action account was taken only of those features which are of a character to give permanence to the organization. See the bulletin *Principles of U.D.A.* for objectives which relate to temporary problems created by the war.

²¹ This section, presenting examples of bona fide citizens' groups which operate on a national scale, does not include such highly useful organizations as the Public Admin-

The problem of local citizens' groups is exceedingly complex because they are so miscellaneous and so often arise merely to serve a temporary purpose and then as readily disappear. Local groups of a more permanent character and a wide range of interest include municipal and citizens' leagues, citizens' research organizations, taxpayers' associations, citizens' councils, community councils, city clubs, city parties, charter associations, and similar civic groups of whatever name. There are also the numerous groups, such as Rotary, Kiwanis, Co-operative, Lions, Exchange, Civitan, and various women's organizations, which feature citizenship programs which are helpful in promoting citizen interest but more or less subsidiary to the main purposes of the respective organizations. Of these local citizens' groups the following types call for special notice because they represent fundamental emphases and in their organization and methods follow more or less general patterns.

First, the research organizations, of which there are now more than a hundred, widely scattered and located for the most part in the more important city centers. These research agencies have grown out of the increasing interest in improving city government and the realization that to make headway with this difficult task the spirit of reform alone does not suffice, but that it is necessary to overhaul and to improve the machinery of government itself. Obviously such an undertaking, because of the technical and complex character of modern mechanisms of government, cannot well be assumed by the general public or even by a more select citizen body without the help of experts familiar with the principles and trained in the methods of research. This need of expert help led in 1906 to the establishment in New York City of a Bureau of City Betterment, later designated the Bureau of Municipal Research, and now known as the Institute of Public Administration.

This initial governmental research agency began its career with a staff of two persons whose entire time was devoted to studying the problems of municipal government. Its success was immediate, and as a result there began to be requests for the organization to do similar work in other communities. In response to this outside interest, a field staff was organized to render out-of-town service.

istration Service, a survey organization maintained by the Public Administration Clearing House; or the Governmental Research Association, an association of professionals like a teachers', ministers', or lawyers' association rather than a bona fide citizens' group.

CITIZENS' GROUPS AND THEIR FUNCTIONS

Largely as a result of this influence, similar agencies were soon established in Philadelphia, Buffalo, Rochester, Detroit, Cincinnati, St. Louis, and gradually in other leading cities until they now operate in the more strategic centers of the nation.

These research agencies are financed by citizens in their private capacity and therefore differ in principle from research agencies established by municipalities and state governments just as municipal- and state-supported educational institutions differ from those which are privately supported. Their purpose is to study the processes of government and administration in the states and cities in which they are located, to confer and to advise with public officials, and in general to educate the public to a better understanding of governmental problems and to be more effective citizens. Their method of approach is scientific—"fact-finding versus fault-finding"—and therefore calculated to influence public opinion in ways that make it a powerful factor in the slow process of building really intelligent and effective units of government.²² An able champion of research agencies says: "Governmental research is a method and not a panacea. It aims not to make over either the man in office or the men who vote, but to give men, as they are, better methods of working for the public as it is; better methods of watching and judging what their public servants do."²³

Second, taxpayers' associations, which in number are exceedingly variable because they rise and fall with great rapidity. At this writing there are approximately twelve hundred county, city, and town groups. There are also thirty-odd state-wide associations, a national Tax Foundation, which is presented as a clearinghouse for research and information on state and local taxation,²⁴ and an action group located in the national capital, the chief interest of which is to promote efficiency and economy in federal government spending. Though somewhat inaccurately, these taxpayer associations are here classified merely as local groups because they are by no means a unitary body operating under definite national leadership. Many of the local associations are without regional or state affiliation and in character are essentially pressure groups designed to shelter certain property interests. Thus they lack a real public motive and, moreover are prone to act without sufficiently sound information. Some

²² See George P. Hopkins, pamphlet *Twenty Years of Municipal Research*; and Jones, *op. cit.*

²³ Hopkins, *op. cit.*, p. 7.

²⁴ The validity of this claim has been questioned on the ground that the emphasis of the foundation is on promotion rather than research.

CITIZENSHIP AND THE NEW DAY

of the best of these local groups are affiliated with the National Municipal League, and others with state associations. The state associations operate under different names and represent different principles of organization. Some are built on a system of local chapters, others represent a federation principle, and others are based on private memberships. They are all independent of one another, although there is extensive interchange of information between them and at times co-operation between some or all of them to achieve a common objective. Some of the state associations, like the local groups, are essentially pressure organizations without historical perspective, scientific method, or a genuine public purpose.

There is, however, an obvious need for soundly organized and properly motivated taxpayer organizations as a balance against forces and conditions which work adversely to legitimate taxpayer interests and, therefore, are matters for public concern. Such, for example, are the extensive pressure activities of the many small, but well-organized and financed minority groups interested in special favors; the reckless spending habits of governmental spending agencies when budgetary practices are not firmly established; unsound and unfair tax measures enacted by incompetent legislative bodies; and more than all, the abuses which arise out of our immensely complicated system of taxing jurisdictions and authorities. There are approximately 165,000 of these in the country as a whole, an average of 3,438 per state, but in fact unequally distributed, so that in some instances as many as twelve or fifteen thousand exist in a single state. Confusion, duplication, inefficiency, enormous waste, and manifold inequity necessarily arise out of such a system.

The correction of such conditions posits our most stubborn tax problems; and well-organized, well-informed taxpayer groups motivated by a genuine public interest should be able to contribute substantially toward the solution of them. And the record of such groups as the Massachusetts, California, and Tennessee associations give promise that properly organized, adequately equipped, and nation-wide taxpayer organizations are on the way.

Third, citizens' councils and other co-ordinating groups, undetermined as to number, but representing a comparatively new and important type of citizens' organizations. The citizens' council plan is a device that was developed during the depression years that followed the First World War.²⁵ The original purpose was to unite civic

²⁵ The plan was proposed by a group of one hundred citizens representing agriculture, business, education, public welfare, etc., called together by President Hoover in

CITIZENS' GROUPS AND THEIR FUNCTIONS

groups in a common aim to achieve economy in local government without the sacrifice of essential services. The method used was to set up nonpartisan local councils made up of citizens representative of the various groups in the community. However, with the passing of the particular conditions that gave rise to the organization the plan was revamped by the action of the National Municipal League, its aims were clarified and given a larger reference but its essential character as a co-ordinating agency was retained.

The basic assumptions of citizens' councils are precisely those of democracy itself: (1) that the democratic community can and will function intelligently and effectively precisely in the ratio that citizens function intelligently and effectively; (2) that citizen capacity is implicit, developed only by education and experience and therefore that education for citizenship must be a fundamental concern of democratic peoples; and (3) that local self-government, the management by the local community of its own affairs, is the foundation of political freedom and the source of democratic government; and, therefore, if democracy is to be maintained on a national scale, self-government must steadily be renewed and strengthened at its source.

In their form of organization citizens' councils are based upon the view that the pressing need in the sphere of organized citizen effort is not more competing groups, but a type of organization that will function as a co-ordinating agency to unify the civic interest of other groups and to channel that interest in ways that will best serve the whole community. Hence, the proper setup for a citizens' council is a group composed in part of representatives of all the responsible "civic interest" groups of the community and in part of interested citizens who represent the community at large. The essential aim in effecting the organization is to secure a competent citizens' group as nearly representative of the whole community as may be found practicable, a kind of cross section of the community, but one carefully selected in the interest of homogeneity and effectiveness and not left to haphazard methods of appointment by component groups.

Among the important functions of citizens' councils as co-ordinating agencies is a survey of the citizenship programs of their component groups with the view of correlation and the prevention of unnecessary duplication; of guaranteeing objectives that are in

January 1933. After the plan had been devised, the committee appointed by the President chose the National Municipal League to serve as a clearinghouse of information for local council groups. This fact explains the action of the league in taking the initiative to bring about a revamping of the plan.

CITIZENSHIP AND THE NEW DAY

line with the vital needs of the community; and the employment of methods for the achievement of those objectives which are free from partisanship and the taint of propaganda; and genuinely educational in character. An even more important function is a survey of the whole range of the civic interests and needs of the community, to see that no important area is being neglected, to find ways to make component organizations and the public conscious of important and neglected community interests and needs, and to create informed opinion with regard to effective methods employed by other progressive communities with a view to serving like interests and needs.

Similar to the citizens' council plan, both in form of organization and in purpose, is the community council plan. The chief difference is the more limited field of community councils determined by two important assumptions: (1) that historically "the small community is the primary social group in the development of human culture" and "the source of social order, good will, and personal and economic security"; (2) that "the significance of the primary group has been so greatly overlooked that the oversight is coming to menace the continuity of our basic culture."²⁶ Acting upon the basis of these assumptions, the community council plan was devised as an agency to co-ordinate the live, active, public interest groups in small communities, to unify their activities, and to make of them a fit instrument to serve the needs of the small community and to re-establish the sense of its fundamental significance.

The interest in the community council plan is the fruition of a bulletin on the subject that was published in 1918 by Arthur E. Morgan, associated, at the time, with the Agricultural College of Massachusetts. Gradually, as this publication, *Mobilizing the Rural Community*, was circulated, movements to put the plan into operation sprang up here and there throughout the nation. As yet there are perhaps not many more than a hundred of these community council groups located for the most part in New York, Ohio, Tennessee, and California. These groups, however, have proved so useful and the interest is so manifestly spreading that an organization, Community Service, Inc., has been projected to promote the formation of community councils on a national scale.²⁷

²⁶ Morgan, *The Small Community*, preface, p. 12. See also chap. xiii.

²⁷ Another type of co-ordinating citizens' organization, adapted especially to large cities, is the Civic Council plan. Distinguishing features of the civic council are: a membership that includes other than strictly public interest groups; the raising of a common budget to cover the running expense of all membership groups; and a citizenship program arranged and conducted by the council.

A highly practical and immensely important consideration suggested even by a casual study of citizens' groups relates to the tremendous potentialities of these groups for effective service to improve the quality of citizenship and government, in every community and on a nation-wide scale, if these potentialities can be released. This, obviously, is a matter that requires careful study, in conference, by the responsible leaders connected with all these groups. There are two proposals, in particular, which need to be explored.

One of these looks to the possibility of finding some basis of unity and common action, both locally and nationally, between all responsible and bona fide citizens' organizations, with a view to avoiding duplication of effort with its consequent wastes; of reducing the number of public appeals for support by restricting the activities of spurious organizations;²⁸ and eliminating groups of whatever type which are too superficial and weak to be of substantial worth. As the situation now stands, there is too much scattered, unrelated, and inconsequential effort. Unity on some practicable basis would give the advantage of concentration and a united front.

The co-ordinating group would seem to be the answer to the problem of unifying citizens' organizations in the local community. The record of the citizens' councils and kindred bodies, though covering only a brief period, is sufficient to demonstrate the practicability of the co-ordinating agency and its worth in mitigating the chaos of competing organizations and securing concerted effort for worthy community ends. As yet, however, this plan, largely because of inadequate promotion, has been used only on a limited scale. Probably not more than several hundred communities the country over have known enough about this plan to make use of it.

Other necessary and practicable steps in the process of unifying citizens' groups and welding them into a really effective influence for the furtherance of democratic ends on a state- and nation-wide scale would be the linking together within the boundaries of a single state the citizens' groups at work within the state, perhaps in the form of a state federation, and the linking together of the state federations in a national federation with common headquarters and a co-ordinated program.

The second of these proposals looks to a better implementation of

²⁸ It can hardly be doubted that a united front on the part of reputable citizens' organizations would go far toward commanding public confidence and correspondingly weakening the influence of spurious organizations.

CITIZENSHIP AND THE NEW DAY

responsible and approved citizens' agencies for the discharge of their important task. There is need of better headquarters, local, state, and national; better organized, better equipped, and better paid headquarters' staffs; adequate research facilities; sufficient funds to issue reports and provide the necessary literature; and well-trained field-workers numerically large enough to do the work that needs to be done. Effective unification of bona fide citizens' agencies and the presentation of a common front would seem, on the whole, to be the answer to the problem of adequate implementation. There is no lack of evidence to prove the deep interest of the public, or at least an important section of it, in the work of citizens' agencies. But the public mind is confused by a multiplicity of competing and often conflicting appeals. The cure for that confusion is the unification of citizens' groups on some effective basis and the presentation of a common front.

Subject to the adverse pressures originating in the vast complexities of modern social, economic, and political life, democracy has little chance for survival unless general citizen interest and understanding can be aroused and worthy citizen effort for the conservation of democratic institutions can be organized. Citizens' agencies, to justify themselves, must contribute substantially to these ends. To be in position to do so, they must have historical perspective, be motivated by a genuine public interest, work in scientific ways, be unified on some effective basis, be better implemented and better co-ordinated in their methods and objectives, and therefore able to make a united appeal and to present a common front.

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Chapter XVII

Creative Religion and Education for Citizenship

Was the eye contrived by blindly moving atoms,
Or the still-listening ear fulfilled with music
By forces without knowledge of sweet sounds?
Are nerves and brain so sensitively fashioned
That they convey these pictures of the world
Into the very substance of our life,
While That from which we came, the Power that made us,
Is drowned in blank unconsciousness of all?

—ALFRED NOYES

Others mistrust and say, "But time escapes:
Live now or never!"
He said, "What's time? Leave Now for dogs and apes!
Man has Forever."

Oh, if we draw a circle premature,
Heedless of fair gain,
Greedy for quick returns of profit, sure
Bad is our bargain!
Was it not great? did not he throw on God,
(He loves the burthen) —
God's task to make the heavenly period
Perfect the earthen?

—ROBERT BROWNING

1. THE CONCEPT OF A LIVING UNIVERSE VERSUS A LIFELESS MECHANISM
2. THE RELIGIOUS CONSCIOUSNESS AND THE CREATION OF NEW VALUES
3. THE SIGNIFICANCE OF THE RELIGIOUS CONSCIOUSNESS FOR DEMOCRACY
4. RELIGION AND REASON
5. THE COURAGE OF MORAL CONVICTION
6. RELIGION AND GOOD WILL
7. RELIGION'S LARGER REFERENCE

WE ARE ALL tired of shams—in our social and economic relationships, in politics, in education, more than all in religion. We want

· CREATIVE RELIGION AND EDUCATION FOR CITIZENSHIP

reality. A great English schoolmaster,¹ a veteran in the sphere of education that in America lies within the scope of the high school, was once asked, "Where in your timetable do you teach religion?" He said in reply, "We teach it all day long, in arithmetic, by accuracy; in language, by learning to say what we mean, yea, yea, and nay, nay; in history, by respect for humanity; in geography, by breadth of mind; in handicraft, by thoroughness; and in astronomy, by reverence. We teach it on the playground, by fair play. We teach it by kindness to animals, by courtesy to servants, by good manners to one another, and by truthfulness in all things. We teach it by showing young people that we, their elders, are their friends. We teach them to build the true society out of the actual relations in which they stand to their teachers and their schoolfellows, because we believe that unless they learn to build it where they are they will not learn to build it anywhere else."

The vital significance of the schoolmaster's answer to the question: "Where in your timetable do you teach religion?" is that it cuts beneath all the "trappings and impediments" of religion by which, in conformity with custom, we differentiate between the numerous religious faiths and groupings, and points to a religion founded on reality—the basic reality of the universe, of men's relation to that reality, and their consequent relations to one another in the social order. It is not, therefore, another definition of religion that is here offered to add to the present confusion, but a concept of religion that is inclusive.

1

In the last resort there are only two possible doctrines as to the nature of the universe we inhabit. One of these holds it to be a lifeless mechanism going by a kind of clockwork; the other holds it to be essentially alive, not as a tree or vegetable is alive, but as man is alive, conscious of itself as a unitary whole and knowing what it is about. Minds of the first rank are found among those who have aligned themselves in support of one or the other of these views.

Typical of the great scientific thinkers of the past who held the mechanistic view was Laplace,² the brilliant French mathematician who at the close of the eighteenth century developed his nebular hypothesis of the origin of the solar system. It is reported that

· ¹ Supposedly this schoolmaster was "Sanderson of Oundle," memorialized by H. G. Wells.

² Marquis Pierre Simon de Laplace, 1749-1827.

CITIZENSHIP AND THE NEW DAY

Napoleon once said to him in a jocose manner, "M. Laplace, they tell me you have written a large book on the system of the universe, and have never even mentioned its Creator." And the noted mathematician replied, "I have no need for that hypothesis."³ Similarly, Auguste Comte is said to have expressed the view that when science has done its complete work it will conduct God to the frontier of the universe and bow him out with thanks for his provisional services.⁴

As stated by a recent writer, who holds the view of a lifeless universe, it was theological teaching that made intelligence cosmic in origin and importance:

For men who believed in God the universe was an expression of thoughts and purposes because of which the world had been made, for the sake of which it was carried on. But the Darwinian non-theological theory gives to intelligence no such cosmic status. Thinking is, so far as we know, man-made. No other thing, living or non-living, shares in conscious attempt to know, to appreciate, to control. The cosmos as a whole, out of which human life emerges, gives no evidence of being, or wishing to be, intelligent. The human spirit is alone in an otherwise non-human, non-spiritual universe. Whatever it has, or may ever have, of sensitiveness, of wisdom, of generosity, of freedom, of justice, it has made, it will make for itself.⁵

In fact, however, does Darwinism actually prove that the universe is a lifeless thing, without intelligence or purpose? All that scientific research can do is to describe processes, and more recent research in the field of biology shows that variations of species are not like arrows shot at random which go in all directions, but frequently go in specific directions over long periods of time. This established fact contradicts Darwin's assumption of spontaneous variations which occur at random, and shows that biological development follows a direct course and not the devious route of chance variations. Likewise scientific research in other fields during the century and a half which have elapsed since the announcement of the nebular hypothesis do not corroborate the sweeping conclusion of Laplace that there is no need for a Creator. "On the contrary," says Arthur H. Comp-

³ Dampier-Wetham, *A History of Science*, p. 193.

⁴ See Compton, *The Freedom of Man*, p. 78.

Auguste Comte (1798-1857) was a leading exponent of the positivistic system of philosophy.

⁵ Alexander Meiklejohn, *Education Between Two Worlds* (New York: Harper & Bros., 1942), pp. 199-200.

CREATIVE RELIGION AND EDUCATION FOR CITIZENSHIP

ton, "as we learn more about our world, the probability of its having resulted from chance processes becomes more and more remote." ⁶ Thus the old argument based on the law of cause and effect still stands unrefuted. In the words of Alfred Noyes:

Was the eye contrived by blindly moving atoms,
Or the still-listening ear fulfilled with music
By forces without knowledge of sweet sounds?

Hence faith in a living universe guided by intelligence and purpose, that is, "a universe which is an organized intelligent unit, which directs its own processes to desirable ends," would seem to be a wholly reasonable attitude based upon immense probability, even though the correctness of it cannot be established by scientific tests. In other words, scientific findings present no direct proofs that establish the existence of God; nor, on the other hand, that discredit faith in God; but these findings do establish the probability of a creative intelligence that makes faith in God a wholly reasonable attitude, surely as scientific as the flat statement that "there is no need of a Creator, that the cosmos out of which human life emerges gives no evidence of being or wishing to be intelligent."

2

However, it is not merely the new facts of scientific research in biology and the processes of evolution that point to a living, intelligent universe, but equally those in the sphere of mathematics, astronomy, chemistry, physics, and historical criticism. The particular significance of scientific findings today and the trend of scientific opinion is that on the whole they strengthen confidence in the essential findings of the religious consciousness.⁷ Scientific findings, very naturally, do not corroborate the exaggerations which so often have accompanied religious testimony, but religious thinking, using processes learned from science, is slowly but surely correcting such exaggeration by dispelling the credulous anthropomorphism which has gathered about theistic belief. The result is that the presuppositions of scientific thinking and the conclusions of religious thinking more and more coincide. It may be said, indeed, that the approach,

⁶ *Op. cit.*, p. 73.

⁷ Modern research in the literatures of the other great religions, the writings of Plato, the Egyptian Book of the Dead, the Upanishads, and other Sacred Books of the East, finds much that is in substantial agreement with the basic theistic concepts of the New Testament.—See George Foot Moore, *History of Religions*, I.

CITIZENSHIP AND THE NEW DAY

of science and religion toward community of thought about God and the universe has reached the point that the saying of Jesus in the Gospels—"God is not the God of the dead, but of the living"—may be interpreted as covering everything in space and time, everything that the physicist can tell us about how the universe is built, the elements which enter into the whole physical creation; everything the astronomer can tell us about what is going on in the unimaginable depths of space; everything that the biologist can tell us about what is happening in the continuous process of creation that we call evolution; and all that the historian can tell us of what has happened in the unimaginable depths of time. In spite of the few thinkers here and there who still cling to an outworn mechanistic theory of the universe, it may be said that the preponderance of thinking in all fields of scientific research is in line with the testimony of Jesus, which is "that all is alive, and it is one life, plainly an immortal life, that animates the whole."⁸

The essence of religion is the consciousness that we share in that life, that we are not merely physiological organisms acting now and then in intelligent and moral ways but emerging spiritual personalities, a part of nature to be sure, but having kinship with the Creative Spirit of the universe and with the realm of intrinsic values. As expressed by Rudolph Eucken:

Even the most zealous champion of the claims of nature upon us cannot deny that man achieves something distinctive; we not only belong to nature, we also have knowledge of the fact; and this knowledge is in itself sufficient to show that we are more than nature. . . . Thought, or consciousness, also carries within its being unique demands, and measures the life of nature by their standards. It cannot possibly be satisfied with mere existence. It desires illumination, penetration, comprehension. It asks whence and why? It insists that nature, and the universe, and human life itself must have a meaning and be rational, and these are sought by the strivings of the soul to penetrate the secret of life, and to commune with the Spirit who created us and whose imprint, the greatest miracle of life, is the mind we possess and its capacity for rationality.⁹

Out of this striving of consciousness to penetrate the unknown, to know God, as we say, to comprehend eternal truth, to be in tune with the Infinite, have come the great new ideals and impulses

⁸ Jacks, *A Living Universe*, pp. 102-3.

⁹ This is a summary of *Life's Basis and Life's Ideal* (New York: The Macmillan Co., 2nd ed., 1912), sec. iii, pp. 134-43.

CREATIVE RELIGION AND EDUCATION FOR CITIZENSHIP

which have led men to break with unworthy customs, prejudices, and instincts and to press upward to better things. The writers of the Bible interpret these new ideas and ideals as the commands of God. They say that God spoke to Abraham,¹⁰ to Moses, and to the Prophets. And the Prophets, themselves, prefaced their messages to the people with a, "Thus saith Jehovah." But how did God speak to these men of old? Was it not through the still small voice of reflection just as he speaks to men today? Thus Abraham in the very act of offering his only son as a sacrifice to propitiate and to win the favor of Jehovah was following an immemorial custom of his race. And the voice of God that spoke to him and stayed his hand at the critical moment could not have been other than a flash of insight, a clear realization that the real and true God could not be propitiated and won by a father's sacrifice of his only son. Possibly this was not the first time that Abraham had been led to question the validity of the old tribal practice, but in the poignancy of the moment of offering his own son as a sacrifice the questioning became a conviction. He interpreted that conviction as the voice of God speaking to him, and in obedience to the new conviction and impulse he turned his back upon the gruesome custom of the past.

Thus the religious consciousness in its strivings to know and to be in harmony with the Infinite discovers new personal and social values. God spoke to the prophets of Israel just as he spoke to Abraham, and the result was their demand for new and better standards of personal righteousness and social justice; he spoke to Lycurgus, the lawgiver of Sparta, and the order was issued that put an end to the offering of human sacrifices by the Spartans; and he spoke to Lincoln in the darkest hours of the American Civil War when the cause of human freedom seemed well-nigh hopeless, and Lincoln's answer was the immortal Emancipation Proclamation, which gave new meaning to the Civil War and likewise to the future course of American civilization. For us to say, in all these and a thousand similar cases, that God spoke to men is just to use a Bible phrase, and perhaps there is no better way to describe it. The essential thing, however, that must be kept in mind is that the communication of the new ideas and ideals which spell human progress involves reflection, what the modern philosopher calls "reflective"

¹⁰ "In the Biblical accounts of the Patriarchs," says H. P. Smith, "we have to do with figures of the poetic or legend building imagination. But so far as these legends are built around religious concepts they reflect the developments of the religious consciousness."—*Old Testament History*, chap. iii.

CITIZENSHIP AND THE NEW DAY

morality" as distinguished from "conventional morality." And reflective morality can be and must be cultivated if mankind is to move onward and upward to higher levels.

3

If, then, religion is the consciousness that we are not merely physiological organisms but emerging personalities, that we belong to an order above nature, that we are akin to the Creative Spirit of the universe, and through reflective processes can share his will and purposes, what does that religious consciousness mean for democratic society and for the training of citizens?

The religious consciousness at its best is the integration of thought and experience, not merely of the individual but of the entire race. Therefore the religious consciousness is creative, originating the judgments, the insights, the sense of values which vitalize individual character and social organization. One of the most significant of these judgments is that the universe, which holds the secret of our human lives and relationship, in its inmost nature is moral. In the words of Carlyle, "The great soul of the world is just"; in the words of a Scripture writer, "Shall not the Judge of all the earth do right?" But what is essential justice and right as between God and man, and between man and man?

The answer of the greatest religious minds to these questions is that a moral order, in which justice and right are finalities, is an order that treats individual persons as ends in themselves and not merely as means or instruments beyond themselves. It follows that if any man—or group of men—treats another man or group merely as an instrument to further some personal aim, no matter how high or good that aim may be, he is acting not morally but immorally toward his fellows. The basic fact of a moral order is that each person without respect to race, color, creed, or degree of cultural development represents an absolute value and must be treated as such. If any man treats another man as a means to serve his own ends, no matter how good his ends may be, he is making that man's value relative to his own, he is infringing on that man's absoluteness, and is doing him a wrong so grievous that nothing he can say about the goodness of his purpose is able to wipe it out. Related to this concept of the dignity and worth of individual persons in the world of human intercourse—indeed, the root and source of it—is the concept that the meaning of human personality is the consequent of a moral order that derives from the character of an Infinite

CREATIVE RELIGION AND EDUCATION FOR CITIZENSHIP

Creative Life. Had the religious consciousness found it otherwise, had the discovery been made that the guiding Mind of the universe is using us as instruments and not as ends, as pawns in a great game of evolution, or as a means of bringing to pass some "far-off divine event" in which we are not to participate, sacrificing us to his own purpose, and not minding how many of us were sacrificed, we would recognize it as a violation of the moral order; and we could not then say with Carlyle that "the great soul of the world is just." ¹¹

This concept of man as a moral absolute, as akin to the Creator, as of infinite worth, is the true basis of democratic society. Democracy is not merely a device of government, resting at bottom on constitutional provisions, political forms, and techniques, however useful and important these may be. It rests instead on a principle of life that derives from the moral order of the universe and from the character of the Eternal. The Bible statement that "the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul" ¹² cannot be taken too lightly. It is also the verdict of idealistic philosophy and a postulate, at least, of scientific thought. Says Robert Millikan:

The atheist is irrational and unscientific because he asserts that there is nothing behind or inherent in all the phenomena of nature except blind force, and that in face of the fact he sees evidence of what he is wont himself to call intelligence in the workings of his own mind, and in the myriads of other minds which are a part of nature. The only way I see to relieve him of this charge is to assume that he uses words such as "atheist" and "blind force" in a sense entirely different from that in which everybody understands them, and this itself is unscientific.¹³

The obscuration and, as a consequence, our loss of grip on this fundamental concept that the individual person, every individual, is a moral, intellectual, and social integer representing infinite and incalculable worth, is the background of the social crisis of our time. It goes far toward explaining the fact that millions of people, ostensibly bred in a Christian atmosphere, could lend their support to ruthless oppressors who describe tyranny or slavery as a new and better social order; and the fact that in the past quarter of a century reactionaries and tyrants the world over, in democratic as well as in

¹¹ This paragraph summarizes the argument of L. P. Jacks in his discussion of the moral order in *A Living Universe*, pp. 87-111.

¹² Gen. 2:7

¹³ *Evolution in Science and Religion*, pp. 87-88.

CITIZENSHIP AND THE NEW DAY

other nations, have been able to pose as humanitarians and friends of the common people.

Not less significant of the loss of faith in the basic principle of democracy or of failure ever to have grasped it fully is the consent of democratic America and Britain for more than a century to the economic exploitation of weaker peoples and even to the exploitation of the humble and unprotected millions among their own populations. Consequently, the problem of relieving indigence and rehabilitating exploited classes and peoples is not merely, as so many seem to think, a matter of organizing grand schemes of charity to be administered by government, but in the development of new standards of ethics which prevent exploitation, and the creation of social and economic arrangements that provide opportunity and guarantee the flow of a just share of the national income to all workers who help to produce it.

4

Looking to the future of democracy, a contemporary writer voices the demand that we "root out of American life every manifestation of retreat from reason; that we make common sense and the common honesty of the common man our common reliance, that we revive faith in the individual as the key to values, recognizing that man was made in the image of God."¹⁴

This demand is thoroughly sound provided it is fully understood that the rule of reason in the case of the common man is not always so common, that like all men he is often "befuddled" by his emotions, with the result that he espouses and gives support to the very forces which seek to destroy his freedom and to exploit him. There is little room to doubt that the near success in our own time of the grand plans of tyrants to conquer the world and to establish an order based on the virtual servitude of the masses was made possible by the "befuddlement" of common men and, consequently, their consent to those plans. Democracy assumes the rule of reason, but its chief problem, today and always, is to maintain that rule against the deadly forces of prejudice and emotion which, like the blindly drifting desert sand, sweep over and, it may be, submerge a whole nation or even a civilization.

Because of the long and bitter controversy between religion, as so generally taught, and reason, as so commonly understood, it may

¹⁴ Henry M. Wriston, "Why Not Try Freedom?" *Harper's Magazine*, August 1943.

seem farfetched to say that the most potent safeguard of the rule of reason as the controlling force of democratic society lies in the cultivation of religious life and experience. This is so because the roots of the democratic ideal and impulse are struck deeply into the soil of religious thinking. In the words of Santayana, "religion aims at the life of reason."¹⁵ The truth of this statement is shown by the fact that religion is always present wherever new philosophies arise, and new conceptions of the moral life are brought to birth. The great idealistic philosophers, Socrates, Plato, Aristotle, Spinoza, Fichte, and Rousseau, were essentially religious minds; and their philosophies, which have contributed so much to modern democratic thought and life, fundamentally were products of creative religion, the search of the soul for ultimate reality.

Granting that such minds are exceptional and that the depths of reflective experience achieved by them is not possible for ordinary men, it, nevertheless, must be observed that the difference is merely one of degree and not of kind. All human experience shows that ordinary men as well as philosophers are capable of reasoned judgments in regard to ordinary things; ordinary human relations, responsibilities, and activities; public affairs as well as private affairs; our duties as members of the state as well as our duties as members of the family. The presupposition of democracy is reasoned judgments on the part of the citizens, not merely a few leaders or a privileged group of citizens, but all citizens; otherwise democracy is merely a pretense. Creative religion makes for reasoned judgments. It brings idealistic elements into reasoning, and a sense of human values, which are necessary to vitalize democracy and to give it reality. And these elements derive from the religious consciousness, and from no other source.

5

Related to the rule of reason, as a concomitant quality of effective citizenship, is moral courage, likewise the product of creative religion. It required moral courage of the highest order to project our democracy. The men who wrote the Declaration of Independence and those who signed it knew full well that if their courage failed the only alternative was the hangman's noose or a firing squad. And moral courage is the only safeguard against the insidious evils which cause democracies to "wither at the roots" and to perish.

¹⁵ See *Reason in Religion*, pp. 9-13.

CITIZENSHIP AND THE NEW DAY

There is no lack of evidence that creative religion produces moral courage. We have only to think of the part that religious men have played in protest against the tyranny and wrong which stultify all human relationships, their rebuke of princes, potentates, authorities, and infuriated mobs for evildoing, at the risk of life and all that they held dear, to realize that the sources of moral courage are not external or prudential. All the conscientious objectors from Amos and the Isaiahs to John Huss and John Wycliffe, and from George Fox to Leo Tolstoy were actuated by an inward compulsion.¹⁶ The reason may not always see clearly, because it may not always possess all the facts upon which to form its judgment, but the pressure upon us as men and as citizens to follow the truth as far as we see it, and to espouse justice and right as far as we understand them, to be faithful and courageous in doing battle for our democratic fellowship must not be treated lightly.

It is said that at the mosque of St. Sophia in Constantinople you look at one of the great wonders of architecture—at a dome that seems to hang on nothing. Could we, at the right point of view, survey this planet of ours, we would see a yet more wonderful thing, a solid globe with billions of tons of material resting evidently and entirely upon nothing. Thus it would seem that even the material universe is a realm of invisibles, in which all the mighty forces of creation do their work unseen. What, however, is still better worth noting is this play of the invisible in the world of democratic relationships. We easily deceive ourselves at this point by assuming that the fabric of democracy is held together by the visibles of government in the shape of voting processes, legislatures, officials, courts, magistrates, prisons, police, and a soldiery. But these are not the sustaining force of democracy any more than was the tortoise of the old fable the sustaining force of the universe. These visibles of government, law and order, are merely the expression of an unseen imperative that resides in the minds of people and is a part of the enlightened religious consciousness.

"Here I stand," said Luther as he confronted the great Diet, "I cannot do other." Why could he not do other? He could say yes as easily as he could say no. What compelled him to say no? The answer takes us to the deepest thing in our lives as men or as citizens.

¹⁶ The discussion naturally suggests the question, "Why do so many religious people act irrationally and lack moral courage?" The answer is that we are "emerging personalities." Progress toward the higher levels presupposed by religion and reason has not been achieved in equal measure by all.

CREATIVE RELIGION AND EDUCATION FOR CITIZENSHIP

It is the still, small voice which the philosopher Kant described as the "categorical imperative," the sense of a moral law august and eternal, an everlasting "ought" that a truly religious consciousness recognizes and obeys, and in obeying finds the true freedom. This does not mean that everyone in the same degree is conscious of or obeys the universal imperative, any more than that everyone perceives in equal degree the laws and movements of the solar system. But this moral imperative is a basic principle of our humanity, and equally of citizenship and democracy. We can develop the sense of it and, like the founders of our republic, rise to the height of its demand. Democracy needs and must develop citizens of such quality; failing to do so democracy as we conceive it is unattainable.

6

Besides a rule of reason, conscience, and courage, democracy presupposes a rule of love in the sense of good will. There is nothing, perhaps, that offers such a challenge to the democratic ideal as the exclusiveness of the human spirit. The idea of regarding the entire human family as essentially one with ourselves and, therefore, entitled to respect, to friendly concern and good will, is one that advances slowly. Only the greatest souls like Confucius, Gautama, and Jesus have been fully governed by this idea. For the most part it has been absent from the ordinary brain. Even the most cultured thinkers of antiquity simply could not conceive of a social or political group that had no aliens or outsiders. So with perfect complacency they based their ideal state on slavery, and the principle "that it is not contrary to nature or to the laws of God to despoil those whom it is a virtue to despoil" went unchallenged.

Succeeding centuries, undoubtedly, brought some improvement in this respect but the idea of the essential oneness of humanity has always figured more or less as a theoretical concept instead of a thoroughgoing rule of action. Thus the exclusiveness of the pagan world was recast in the theological doctrine of election, and was carried into theories and conceptions of government. Augustine's City of God is a virtual denial of human solidarity, because it is based upon the notion that there are two kinds of people, the elect and the nonelect, the blessed and the cursed. At the Reformation and for centuries after, Catholics and Protestants hated each other. And the dismal story of Christian intolerance as manifested in the bloody ferocity of the Crusades, the rancorous hate that was poured upon Moslems, the bloody reprisals extorted by the Christian powers

CITIZENSHIP AND THE NEW DAY

of Europe upon the Jews, and the barbarities of the Inquisition show all too clearly how the separatism of the ancient world lived on, and found recrudescence, in Christian modes of thought and practices.

So today, notwithstanding the manifest enlargements of the human spirit which have taken place and in spite of the fact that man has obviously risen to a new point of view and is conscious of a fresh inner sense, we have witnessed an arrogant assertion of race superiority and a bitter contempt for others which have issued in virtual enslavement of whole populations and utter devastation of millions of innocent and helpless people, aberrations which seem, in our better moments, like the incubus of a horrible nightmare. Even "our America," which has advanced farthest in applying the principle of kinship, obviously has not yet achieved the necessary clarity of understanding. The "holier than thou" attitude, the spirit of isolation, self-withdrawal and cool contempt so widely displayed in our social, economic, and political relations are virtual denials of the democratic ideal. Still worse are our class and race prejudices and our callous disregard of the just claims of our racial minorities and of our indigent and exploited classes.

The challenge of the new day to democratic America is to rise to a mental attitude that is uncircumscribed, to a spirit without restriction; and the simple law of love, or good will, which is the heart of the Gospels, points the way to that achievement. From a background that was characterized by scorn of others, the founder of Christianity emerged, exhaling a sympathy that cheered like a winter's fire, that exuded joy like a sweet harp, that flashed beauty like sparkling gems, that carried sweet stimulus like returning sunshine. There was no trace of contemporary prejudice or bitterness upon him; he had a view so broad, an insight so deep, a love so patient, so tolerant, so comprehending that he was able to see and to revere beneath all the aberrations of human nature the common and imperishable soul of humanity. He called himself the Son of Man, a designation that implies a wholly unrestricted attitude. He felt himself to be in and of the entire human race. The nation, the family, the mother who bore him, he acknowledged and loved, but not in a sense that made others alien or less the flesh of his flesh and the bone of his bone. He denied the right of love to be exclusive, and protested the protrusion of narrowness into love: "If ye love them which love you, what thank have ye?"¹⁷ Love was to him a

¹⁷ Luke 6:32.

living warmth of soul that makes the whole world kin. He urged his disciples to look at life not merely in a personal way but in the collective aspect. When they enter the inner chamber to present themselves before the great searcher of hearts they are to remember equally their fellows. "After this manner therefore pray ye: Our Father which art in heaven." ¹⁸ He denied even to grief the right to be selfish: "Suffer me first to go and bury my father," said a would-be disciple, and Jesus answered, "Let the dead bury their dead: but go thou and preach the kingdom of God." ¹⁹ That was merely his way of asserting for all the supremacy of social relationships and obligations.

"No man liveth to himself." We are set down in the midst of others to whom by nature we are related. They have need of us, and we have need of them. In "togetherness" we must work out our common destiny. Democracy represents a way of handling certain large phases of that "togetherness" which takes account of the law of love, or good will, as the touchstone of our collective attitudes, judgments, and actions. Just as summer fulfills all ripeness and growth for seed, and root and tree, so it is that democratic association must be fulfilled by the unrestricted good will of the citizenry, or such association is not really democratic.

7

Kinship with the Eternal, the sanctity of the individual person, the rule of reason, conscience, courage, and love—these are findings of the religious consciousness, and they therefore figure as absolutes of personal character, of social relationships, and equally of the social and political order. Fundamentally democracy is democracy not merely because it is based on a certain form of government, and a voting process, but because it takes account of these absolutes and in its educational processes, the promulgation of its laws, and the building of its institutions it endeavors progressively to give them expression.

These absolutes are the discoveries of the reflective soul in search of God, and ultimate reality. They are true everywhere on the earth, and wherever there are thinking beings. They are true in time and through eternity because they are verities of the universal moral order which reflects the character of the Infinite Creator. This is religion's larger reference.

¹⁸ Matt. 6:9.

¹⁹ Luke 9:59, 60.

CITIZENSHIP AND THE NEW DAY

Two opposing deductions are drawn from the theory of biological evolution, and both have eminent supporters. One of these deductions is that consciousness is the servant of the organism with which it is associated and comes into existence only when it can be of value to the organism. Thus mind is the product of the brain and its sole purpose is to subserve the temporary uses of the brain. Since it can be of no value to a dead organism, consciousness dies when the brain dies. Thus the endless transformations of the external order have no moral purpose; its sole end is fulfilled in its gyrations; it cares nothing about its appalling wastes of mind, heart, and conscience; in character it is inhuman, brutal, and contemptible. On that basis religion could not have begun, its aspirations and values are the merest fantasies. All the glories of the invisible are resolved into meaningless hallucination.

The alternative deduction is that consciousness is not a means but an end that mind is not the servant of the organism, but the organism is the servant of the mind; that the creative process is not mechanical, but vital; that its purpose is the making of intelligent personalities progressively endowed with capacity to understand the creative intelligence of the universe and to share it.

On this basis high capacities such as we find in men, high character and service such as we find in good men, noble citizenship, wise and unselfish statesmanship, people caring for one another, appreciation of life because others are alive, and out of this reciprocity of interest and good will struggling to develop families, communities, societies, and a world comradeship would seem to be, if intelligence reigns and the universe is moral, lasting utilities, enduring values, abiding splendor.

The great realities of the universe are not atoms and elements, and the combinations that form the stars and constellations, and the vast aggregate of these that constitute the material order as it exists in the vision and the science of men. The great realities are emerging and unfolding personalities, the sense of moral kinship that binds us to our fellows and will not be denied, the recognition of an order of freedom, conscience, courage, and love under which we live, to which we belong, and in accordance with which we must fashion our lives, our relationships, our institutions, our world. In God we live, and move, and have our being.²⁰ This is the affirmation of the moral order of the universe, as conceived by the religious consciousness.

²⁰ Acts 17:28.

· CREATIVE RELIGION AND EDUCATION FOR CITIZENSHIP

The principles of that order are not man-made, they are verities of an Infinite Intelligence. They constitute the true basis of social and political association. Their discovery is concurrent with the growing vision of men and represents the response of an Infinite Intelligence to our groping human intelligence.

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Index

- Adams, James Truslow, quoted 124, 227
 Advertising, suggestion in, example 67
 Alexander the Great 21
 Amendments to the Constitution, 14th,
 15th, 19th 25, 55-57, 126
 American Civil Liberties Union 288
 American colonies
 character and heterogeneity 27-30
 citizenship, evolution 27-47
 civil justice, Bill of Rights 126
 Declaration of Independence 45-47
 economic factor in Revolution 45
 English colonial policy 43-45
 English political concepts in 32-41
 New England 34-39
 proprietary middle and southern 39-41
 racial factors 29-32
 Reformation influence 34-38, 41-42
 religious factors in settlement 29, 34
 religious freedom 110
 types 43-44
 union, incentives 42-45
 American life. *See* American traits; Com-
 munity life; Social evolution
 American Proportional Representation
 League 279-81
 American traits, characteristic 74-75
 Ancestry, differences, biological findings
 118
 Anecdotes
 arrest of man who quoted Declaration
 of Independence 104
 prohibition story 238
 pump story 14
 timetable for religion in school 293
 Aristotle, quoted 57, 244, 301
 Arnold, Thurman, quoted 163, 229
 Assembly
 American colonies, British policy 44-45
 Pennsylvania proprietary 40-41
 West Jersey proprietary 39
 Atheism 299
 Athens, city-state 20-21
 Attorneys, trial methods 177-78
 Augustine, quoted 245

 Bacon, Sir Francis 119-20, 175
 Bail, misuse 175-76
 Bates, Ernest Sutherland, quoted 46
 Beard, Charles A. and Mary R., quoted 25
 Becker, Carl L., quoted 22-23
 Benedictines, Society of 76

 Bible, quotations 113, 150, 297, 299
 Bill of Rights
 concept of liberty 102
 inception in New England social con-
 tract 38
 states, origin 126
 Blind voting 89-91
 "Body of Massachusetts Liberties" 38
 Bonsal, Stephen 221
 Brandeis, Louis D., quoted 16
 Breirley, J., quoted 150
 Bribery 61
 Browning, Robert, poem, quoted 170, 292
 Bryce, James, quoted 22, 26, 46, 60, 278
 Bureaucracy 189, 201-2
 Business. *See also* Free enterprise
 government intervention 190-92
 profit motive vs. social service 194
 small, public credit for 165

 Calvinism, in American colonies 34-38
 Capital punishment 181-82
 Carlyle, Thomas, quoted 298
 Cartels 154-55, 167, 193
 Character
 absolutes of personal character 305
 heredity vs. environment 117-19
 Charity, vs. social security 195-98
 Children. *See also* Education of children
 Christian ideals and infant damnation
 245
 primitive concept of education 243-41
 rights 249
 China, world federation, attitude 220
 Christianity
 citizenship concepts inherent in 23-24
 democratic motivation 147-48
 early attitudes toward the child 245
 fraternalism a contribution 135-37
 objective of citizen education 238
 Citizen competence 48-64
 biological theory 89-91
 constitutional safeguards 49-50
 crowd vs. citizenry 69-70
 defects of doctrine 57-62
 educational system, failures 62-64
 ethic of fraternalism 142-45
 French Revolution influence 51-53
 legislative bodies and 144-45
 liberty and responsibility 114
 political techniques and 14, 60-62
 suffrage extension 53-57

INDEX

- Citizens' councils 286-88
- Citizens' groups
- citizens' councils 286-88
 - differentiation needed 276-78
 - examples of bona fide groups 278-83
 - functions 273-91
 - research agencies 284-85
 - taxpayers' associations 285-86
 - types and trends 284-88
 - unification, needs and objectives 289-90
 - welter of organizations 274-76
- Citizenship. *See also* Citizen competence; Civil rights; Education for citizenship; Suffrage; Voting
- authority affirmed by Preamble 48
 - beginnings 18
 - church groups, New England 38-39
 - citizens' groups for better government 284-88
 - colonial period 27-47
 - common rights, consciousness of 236-38
 - crowd, conversion to citizenry 69-70
 - crowd appeal, its weakness 65-69
 - developing a citizenry 70-73
 - duty correlative of right 26
 - educational system, failure 62-64
 - English influence 28-29, 30, 32-41
 - fraternal ideal, failure to grasp 145
 - free consent of the people, Connecticut concept 36-37
 - freemen and admitted inhabitants 37
 - French, failure in 1940 13
 - function in a democracy 15, 70-73
 - functions, implications 259-60
 - "govern or be governed," Root 27
 - Greek city-states 19-21, 23
 - Greek theory and practice 101-2
 - groups and their functions 273-91
 - historical background, American 27-47, 99-102
 - incubation in America 27-47
 - individualism 27, 41-42
 - integration process 70-75, 77-78
 - Jefferson's leadership 53
 - law of love and good will 303-5
 - liberty and responsibility 99-115
 - modern concept in Rhode Island 37-38
 - moral courage in 301-3
 - motivation and fraternalism 154-39
 - natural competence doctrine 48-64
 - penal justice, responsibility for 170
 - political power 142-45
 - post-World War II, responsibility 213
 - product of social evolution 16-19
 - proprietary middle and southern colonies 39-41
 - Puritan concept 35-38
 - relation to one another 236-38
- Citizenship—*continued*
- religion and reason 300-1
 - representation, origin and growth 21-23
 - school's contribution 257-72
 - self-government trend in Virginia 33-34
 - social responsibility 238-40
 - sovereign status of citizens 232-34
 - standards, postwar opportunity 57
 - status of citizens as subjects 234-36
 - theocratic view, New England 34-36
 - theory vs. practice in government and politics 60
 - town meeting 38
 - unit of reckoning in policy 120-24
 - unity by integration vs. acquiescence 75-77
 - vitality, development 143-44
 - woman suffrage 21-25
 - world state and 205-23
- Citizenship Day 93-95
- City-states, Greek, citizenship applied 19-21, 23
- Civic council 288n.
- Civil Liberties Union, American 283
- Civil liberty. *See* Liberty
- Civil rights. *See also* Bill of Rights; Equality of rights; Liberty; Justice
- democracy insures 23
 - Quaker colonies 39-41
 - social contract, New England 38
- Civil War, U. S., Negro franchise conferred 55-56
- Class distinction, biological theory 89-91, 117-18
- Coe, George A., quoted 261
- Colbert, R. J., quoted 94
- Colleges and universities
- citizenship courses in 271
 - contribution to citizenship 265-72
- Colonial life, U. S. *See* American colonies
- Comenius, education of the child 246, 248
- Commission in Relation to Universal Peace 219
- Committee, American, integration process 76
- Community council plan 288
- Community life, integration 73-75
- Community Service, Inc. 288
- Compton, Arthur H., quoted 294-96
- Comte, Auguste 294
- Confucius 303
- Congregational church, origin 38-39
- Conklin, Edwin G., quoted 90, 117, 118
- Connecticut, colonial concept of citizenship 36-37
- Constitution, U. S. *See also* Bill of Rights Amendments, 14th, 15th, 19th 25, 55-57, 126

INDEX

- Constitution, U. S.—*continued*
 executive powers, trends 201-2
 flexibility 199-200
 penal justice, safeguarded 171-72
 Preamble 48
 punishment provision 180
 safeguards against pressure 49-50
 Constitutions, state, suffrage 54
 Coolidge, Calvin, significance of election 190
 Co-operation
 American trait 75
 international, for peace 215-16
 Co-operative enterprise 166-67
 Corporations. *See also* Free enterprise
 income statistics 168
 pre-World War II 163
 public corporations plan 164-65
 Corrupt Practices Act 61
 Council-Manager Plan 279
 Courts. *See* Judiciary
 Creative religion. *See* Religion
 Credit, public, to small business 166
 Criminal law
 grand jury and bail, misuse 175-76
 penal justice and legal method 170-86
 procedures, preliminary 175-76
 provisions and safeguards 171-72
 reforms needed 185
 Criminals
 punishment 180-82
 restoration 182-85
 Crowd,
 appeal, weakness 65-69
 conversion to citizenry 69-73
 defined 66
 Darwin, Charles, quoted 241, 294
 Declaration of Independence 45-47, 102, 116
 Democracy. *See also* Citizenship; Crowd;
 Education for citizenship; Equality of
 rights; Free enterprise; Justice; Political
 parties; Politics; Suffrage; Voting
 absolutes 305-7
 administrative faults in civil justice 59-60
 administrators, trained vs. elected 92-93
 aristocracy of wealth 193
 assembly, first in America 33-34
 basic principle, citizenship 13-26
 big business threat 168
 "bills of rights," inception 38
 British colonial policy 44-45
 centralization of government 202-3
 charity vs. social security 195-98
 Christian ethics and 23-24, 135-37
 church groups, New England 38-39
 Democracy—*continued*
 citizen authority, constitutional 48
 citizen competence assumed 49-64
 citizenship functions 259-60
 civil justice 59-60, 126-28
 college contribution 265-68
 college program for education 268-72
 colonization factor 28
 "Compact of the Pilgrim Fathers" 35
 defects 145-48
 economic motive and 146-47
 economic problems unsolved 58-59
 educational opportunities 124-26
 educational system, failure 62-64
 elections, constitutional safeguards 49-50
 English political concepts in 32-41
 ethically based 142-45
 European leaders 51-52
 European, prior to Nazi conquest 81
 executive powers, trends 201-2
 family contribution to 241-56
 fascist influence 146
 flexible vs. rigid forms 199-203
 fraternalism and citizen motivation 134-49
 freedom of press and speech 107-10
 freedom of religion 110-13
 French Revolution influence 51-53
 function of the public in government 70-73
 gains despite citizen inertia 57-58
 government powers increased 203
 Greek city-states 19-21, 22, 23
 group differences 140-42
 groups for promoting 273-91
 human rights, principle 23
 humanism and 137-38
 idealism, Greek concept 159-60
 immigration factors 29-32
 individualism 41-42, 120-24
 integration process 73-75, 77-78
 interference of government 159-62
 Jackson's influence 53
 Jefferson's leadership 53
 judicial review, conservation 202
 labor and industry, relations 128-31
 law of love and good will 303-5
 legislation vs. education 238-40
 liberty and equality, contradictions 131-32
 liberty and responsibility 99-115
 minority control 81-83
 moral courage in 301-3
 nationalization of basic industries, effect 163-64
 naturalistic view destructive 137
 party politics, corrupt 60-62
 Plymouth "Compact," implications 35

INDEX

Democracy—*continued*

- popular pressure in elections, constitutional safeguards 49-50
- positive vs. negative government 188-89
- press and radio potentialities 76-77
- principles 230-32
- profit motive destructive 193
- proportional representation 279-81
- public health, deficiencies 59
- Puritan concept 35-38
- Quaker colonies 40-41
- race problem and fraternalism 139-40
- reason and religion 300-1
- reintegration of concepts 187-201
- religious consciousness, significance 298-300
- religious motivation 117-48
- representation 21-23, 33
- Roman Republic, features of 19
- school's contribution 257-72
- slavery and peonage under 23-24
- social contract in colonial New England 38
- social justice and free enterprise 150-69
- survival, measures 145-47
- theory vs. practice in government 60
- town meeting 36, 38
- training in democratic living 264-65
- unity by integration 73-75
- unity by integration vs. acquiescence 75-77
- Washington's regime 50-53
- wilderness influences 30-32
- will, the essence of democracy 77-78
- woman suffrage 24-25
- world implications of federalism 219-20
- "world state" concept 214-15
- World War II, a new era 99-100
- Demosthenes 21
- Depression, 1930's 59, 191
- De Tocqueville, Alexis, quoted 24
- Dewey, John, quoted 87
- Dictatorship
 - peril in group activities 141-42
 - Russian 158
- Direct representation 92
- Divorce, causes and solution 254-55
- Drucker, Peter, quoted 116, 131, 148
- Dumbarton Oaks, significance 215, 221
- Durant, Will, quoted 106
- Dykstra, Clarence Addison, quoted 94

Economic conditions

- charity vs. social security 195-98
- democratic ethic and 145-47
- equality and fraternalism in 141-42, 143, 145-47
- equality of rights 119-20

Economic conditions—*continued*

- free enterprise and 167-68
- free enterprise failures 156-57
- government intervention 160, 161, 189-91
- interdependence of peoples 206-7
- problems unsolved 58-59
- public works program 167
- reconstruction, postwar 162-69
- war economy and post-World War I 161, 190-91
- Economic courts 165
- Economic enterprise. *See* Business; Free enterprise; Industry
- Economic planning 133-64
- Education
 - ancient and medieval concepts 244-45
 - Comenius, Locke, and Rousseau, views 246-49
 - effect upon human life 118
 - enrollment increase in schools 125
 - equalization of opportunity 124-26
 - failure in citizenship training 62-64
 - family contribution 241-56
 - grants, federal and state 125
 - Greek and Roman concepts 244-45
 - monarchical and totalitarian 258-59
 - profit motive fostered by 193
 - religion, timetable for, anecdote 293
 - scholarships given by Congress 125-26
 - shift to conformity, social patterns, personality 244-45
 - social security program 197
 - state equalization movement 125
 - surrender to irresponsible student 106
 - transition to modern views 246-50
- Education for citizenship
 - Christianity a supreme objective 238
 - citizen council survey of programs 287-88
 - college contributions 265-67
 - college programs, aims 268-72
 - conflicts of interest, social and political 233-34
 - creative religion and 292-307
 - economic efficiency training vs. 229
 - England and France 260-61
 - family contribution 241-56
 - function of democratic state 83
 - function of sovereignty 232-33
 - ideals vs. forms in college system 267-68
 - illusions as to value 227-30
 - League of Women Voters plan 281-82
 - Manitowoc plan 93-95
 - meaning 230-32
 - monarchical and totalitarian 258-59
 - objective 268
 - patriotic indoctrination in 229-30

INDEX

- Education for citizenship—continued**
 progress, courses in schools, N.E.A. report 261-64
 relations of citizens to one another 236-38
 religious consciousness, significance 298-300
 school programs, N.E.A. report 261-64
 school the chief agency 257-58
 status of citizens as subjects 234-36
 training in democratic living 264-65
 transition to modern view 246-50
- Education of children**
 family contribution 241-56
 family incompetence 250-53
 kindergarten 251, 252-53
 nursery school 252-53
 primitive child 242-44
- Einstein, Albert, quoted 137**
- Elections. See also Voting**
 Constitutional safeguards 49-50
 corrupt practices 60-61
 presidential, study 90-91
 proportional representation 279-81
- England. See Great Britain**
- Environment, influence on character 117**
- Equality**
 character 117-19
 fraternalism, liberty and 135-37
- Equality of rights 116-33**
 civil justice 126-28
 economic and social 141-48
 educational opportunities 118, 124-26
 hereditary privileges of wealth and 198
 ideals, early American and European 119-20
 individual in policy control 120-24
 labor and industry, fair play 128-31
 liberty and, contradictions 131-32
 Negroes as voters 122-24
 slavery, peonage and 23-24
 voting methods 121-24
 woman suffrage 24
- Eucken, Rudolph, quoted 296**
- Family**
 Christian view of the child 245
 democracy, contribution to 249
 distinguished men, ancestry 89-90
 divorce problems 254-55
 education, contribution to 241-56
 educational functions, primitive 242-44
 fundamental social institution 17, 241-42
 income, inadequacy 254
 incompetent, problem 250-53
 "infancy, school of" 246-49
 kindergarten and nursery school, dangers 252
- Family—continued**
 patriarchal type 243, 249
 quality vs. size 253
 "school of infancy" 246-49
 social evolution 17
- Farm co-operatives 166**
- Fascism, influence 146**
- Federation of the world. See United Nations; World state**
- Fichte, Johann Gottlieb 301**
- Fiske, John 241**
- France**
 federalism of world, attitude 220
 political parties during 1930's 81
 World War II, cause of collapse 13
- Franklin, Benjamin 49**
- Fraternalism**
 Christianity's contribution 135-37
 citizen motivation 134-49
 citizen relations 236-38
 co-operative enterprise 166
 failure to grasp 142-45
 group differences 140-42
 naturalism vs. humanism 137-38
 race problems 139-40
- Free enterprise**
 combination and monopoly 154-55
 economic results 156-57
 excesses and regulation 200
 fictitious assumption 168
 government intervention 189-92
 group abuses 141-42, 143, 145-47
 labor conditions 130
 limits necessary 159-62
 methods and social results 155-57
 natural resources exploited 155-56
 noninterference theory 153
 peacetime economy 162-69
 philosophy 151-53
 political idealism 159-62
 post-World War I 161-62
 profit motive hampers war efforts 193
 profits vs. needs, policy 192-95
 scientific basis, theory 152
 self-interest policy 153-54
 social justice and 150-59
 socialist protest 157-58
 stock watering 156
 survival, problem 167-68
 tariff abuses 155
 trade-unionism and 158-59
- Freedom of press 107-10**
- Freedom of religion 110-13**
- Freedom of speech 107-10**
 abuses, and remedies 109-10
 propaganda vs. publicity 109
- Freemen, meaning in Connecticut 37**

INDEX

- French Revolution, fraternity, liberty, and equality concept 74, 135-37
- Froebel, Friedrich, quoted 241
- Frontier life, democracy in 30-32
- Gautama Buddha 303
- George, Lloyd, quoted 77
- Germany
 education: monarchial and totalitarian 258
 United Nations membership 221
- Giddings, F. H., quoted 16
- Gladstone, William E., quoted 116
- Government, U. S. *See also* Citizenship;
 Democracy; States or nations
 based on citizenship 15-16
 centralization, problem 202-3
 colonial self-government 33-34, 36
 commerce and taxing power increased 203
 democratic state 15-16
 dictatorship, dangers 141-42
 divisions, bureaus, commissions 189
 elastic vs. rigid forms 199-203
 English political concepts in 32-41
 equality of rights 120-24
 ethically based, concept 142-45
 good government, education's role 238-40
 individual as unit of reckoning 120-24
 nationalism, significance 207-9
 natural resources given away 155-56
 New Deal 189
 noninterference policy 151-53
 personnel, trained vs. elected 92-93
 positive vs. negative 188-89
 post-World War I attitude 212
 public works program 167
 self-government, colonial 33-34, 36
 trends, regulation required 200-2
 world state, responsibility of 218-22
- Government control
 economic policy 189-91
 intervention policy 159-62
 legislation 161
- Government loans to industry, public credit, small business, and co-operatives 165
- Government ownership, nationalization of industry 163-65
- Grand jury 175
- Great Britain
 colonial policy 43-45
 "Common Wealth" party in making 163
 criminal code 185
 international federalism, attitude 220
 penal law 171, 178
 political concepts in America 32-41
 social security, Beveridge Plan 196
- Greece
 citizenship, theory and practice 101-2
 city-states 19-21, 22, 23
 educational ideals 244-45
- Green, Thomas Hill, quoted 62, 63, 83, 132, 144, 180, 181, 227, 234, 235, 237
- Groups
 citizens' groups 278-91
 college training in discussion 270
 differences, resolving 140-42
 privileged, menace 143, 144-47
- Groves, Ernest R., quoted 242
- Hamilton, Alexander 49
- Harding, Warren G. 190
- Hay, John 113
- Hebrew prophets, quoted 150
- Helvetius, Claude Adrien 119-20
- Heredity
 great men, biological theory 89-90
 influence on character 117
- Hertzler, Arthur E., quoted 241
- Hobhouse, L. T., quoted 13, 27
- Hooker, Thomas, quoted 36
- Hoover, Herbert
 administration 191
 citizens' councils, plan 286n
 quoted 27
- Horace 245
- Hughes, Charles Evans, quoted 134
- Humanism, naturalism and, in democracy 137-38
- Humanitarianism, early European and American ideals 119-20
- Huxley, Aldous, quoted 75-76
- Immigration
 colonial period, U. S. 28-32
 legal aid for immigrants 127
 New England settlements 34-39
 suffrage granted alien citizens 55
- Incomes
 corporation statistics for 1929 168
 inadequacy 254
 low-income statistics for 1930-40 157
- Individualism
 American colonies 41-42
 American ideals, Hoover 27
 moral order and social crisis 298-300
- Industry. *See also* Free enterprise
 co-operatives 166
 crowd appeal 67-68
 economic planning 163-64
 fair play in labor relations 128-31
 government intervention 159-62, 190-92
 group functions and abuses 141-47
 nationalization 163-65

INDEX

- Industry—*continued*
 - public credit for small business 166
 - remedial features 163-69
- Integration process
 - American characteristics 74-75
 - collective or democratic view 77-78
 - unity by acquiescence vs. integration 75-77
- Interdependence of peoples 206-7
- International Court of Honor 218
- International relations
 - "international trustees," nonpolitical 217-18
 - world state and citizenship 205-23
- Internationalism. *See also* United Nations; World state
 - American implications 219-20
 - postwar agencies 215-16
- Intervention of government, 159-62, 190-92
- Isaiah, quotation 113
- Isolationism, post-World War I 212
- Italy
 - education: monarchical, totalitarian 258-59
 - United Nations membership 221
- Japan, United Nations membership 221
- Jefferson, Thomas, quoted 120, 219, 266
- Jesuits, Society of, integration process 76
- Jesus
 - attitude toward the child 245
 - law of good will 303, 304-5
- Jones, Howard P., quoted 274
- Judiciary
 - economic courts for labor 165
 - handicapped 173-74
 - judicial review, conservation 202
- Jury
 - case against trial jury 178-80
 - competence lacking 178-79
 - grand jury 175
 - selection of jurors 179-80
- Justice. *See also* Social justice
 - administration faults 59-60
 - basic fact of moral order 298-300
 - civil justice 59-60, 126-28
 - criminal restoration 182-85
 - judiciary handicapped 173-74
 - penal justice and legal method 170-86
 - penal justice reforms 185
 - penal prosecution, criticism 175-76
 - penal trial safeguarded 171-72
 - public welfare measures 161
 - punishment, fair and just 180-82
 - reversionary rights 180-82
 - trial methods, criticism 176-80
- Juvenal, quoted 241, 245
- Keyserling, Hermann, quoted 229, 251
- Kindergarten, supplement to family training 251, 252-53
- Kline, Howard M., quoted 273
- Labor
 - American prosperity and 59
 - economic courts for problems 165
 - fair play in industry 128-31
 - trade-unionism 130, 158-59
- Laplace, Pierre Simon de 293-94
- Law and legislation. *See* Crime; Judiciary; Justice
- Laws, Concessions and Agreements, Quaker 40
- League of Nations, origin, causes of failure 210-12
- Lecky, W. F. H., quoted 105
- Legal aid societies 127-28
- Legislative bodies, criticism 144-45
- Lennes, N. J., quoted 89
- Lerner, Max, quoted 201
- Liberty. *See also* Bill of Rights; Justice
 - American Civil Liberties Union 283
 - American concept 102-3
 - college course on civil liberty 269
 - confused American thinking 103-5
 - counterbalance 113-14
 - equality and, contradictions 131-32
 - Espionage Act, World War I 110
 - Federal Alien Registration Act 110n.
 - fraternalism, equality and 135-37
 - freedom of religion 110-13
 - freedom of speech and press 107-10
 - French, Russian, and American concepts 74-75
 - Greek achievement 101-2
 - origin and growth of concept 100-3
 - perversion through irresponsibility 105-7
 - public school course 268
 - without understanding 268
- Lincoln, Abraham, quoted 116
- Lippman, Walter, quoted 71, 87
- Literacy test for voting 84
- Locke, John, quoted 46, 118, 119-20, 234, 247, 248
- Louisiana "grandfather clause" 123
- Lowell, A. Lawrence, quoted 81, 92
- Lowell, James Russell, poem, quoted 99
- Luther, Martin 41, 302
- Macedonia, destroys Greek city-states 21
- Madison, James
 - influence on Constitution 49
 - quoted 219
- Magna Charta, influence in America 32, 126
- Manitowoc plan for new voters 98-95

INDEX

- Mann, Horace, quoted 54
 Markham, Edwin, poem, quoted 134
 Marxian socialism 157-58
 Massachusetts, peace resolution of 1915 219-20
 Merriam, Charles E. 144, 145
 Mexicans in America, Sleepy Lagoon murder case 139-40
 Millikan, Robert, quoted 299
 Minorities, proportional representation plan 279-81
 Mississippi literacy test 123
 Monopoly
 democratization 163, 168
 legislation controlling 161
 menace to free enterprise 167
 rise of 154-55
 Montesquieu, Baron de, quoted 21, 22, 46, 119-20, 170, 268
 Morgan, Arthur E. 288
 Municipal improvement
 citizens' groups, types and functions 284-88
 Council-Manager plan 279
 National Municipal League and 278-79
 Mutual Welfare League 183

 National Conference for Good City Government 278
 National Education Association Policies Commission, report on citizen training programs 261-64
 National League of Women Voters 281-82
 National Municipal League 278-79
 National Securities Planning Board 196-97
 Nationalism, significance 207-9
 Nations. *See* States or nations
 Natural law, and free enterprise 152-53
 Natural resources, exploited 155-56
 Naturalism and humanism, in democracy 137-38
 Negroes
 atrocious episode in South 122-23
 educational inequalities 126
 fraternalism and race problem 139-40
 suffrage acquired by 55-56
 voting rights, and intimidation 122-24
 New Deal 161-62
 constitutional liberties 199
 positive government 189
 public works 167
 New England
 citizenship, incubation 34-39
 self-government 36-39
 New York City
 first governmental research agency 284
 New York State
 test for voting, plan 84, 85

 Newspapers
 democratic potentialities 76-77
 freedom of the press 107-10
 North Carolina
 peace resolution of 1941 219-20
 North Carolina University
 investigation of Negro life 122-23
 Noyes, Alfred, poem, quoted 292, 295
 Nursery school 252-53

 Ortega, José, 105
 Osborne, Thomas Mott, quoted 183

 Paine, Thomas 46
 Palmer, Frank L., quoted 90-91
 Parents. *See* Family
 Parole system 183-84
 Patent medicine, episode 67
 Patten, William, quoted 243-44
 Peace
 American responsibility 218-20
 defeated nations, problem 221
 international agencies of 1945 215-16
 international force for, U. S. and state resolutions 219-20
 pacifism and the "peace caravan" 212
 post-World War II problems 213
 world state, road to enduring peace 214-15
 Pearl, Raymond, quoted 89-90
 Penal justice 170-86
 Penn, William, Quaker proprietary established 40-41
 Peonage, democracy tolerates 23, 24
 Pericles, quoted 101-2, 244
 Personality
 concept in education 244-45
 heredity vs. environment 117-19
 Personnel, government, trained vs. elected 92-93
 Philip II, king of Macedonia 21
 Pilgrim Fathers
 church groups, democratic 38-39
 "Compact" 35
 Pioneer life, influence in democracy 30-32
 Plato, quoted 244, 301
 Plutarch 245
 Plymouth, founding 34, 35
 Political parties
 economic interests 146
 European, prior to Nazi conquest 81
 failure to integrate democratic thinking 76
 Great Britain, "Common Wealth" 163
 presidential elections, study 90-91
 split in party vs. shift in votes 91
 voting process 81-83

INDEX

- Politics
 - authoritarian education 258
 - citizen incompetence 60
 - corrupt practices 60-62
 - crowd appeal 68-69
 - pressure groups, rise 141-47
- Poll tax 84, 123
- Population
 - growth since 1700 206-7
 - quality vs. size 253
- President, U. S.
 - constitutional safeguards in election 49-50
 - elections, study 90-91
 - power increased, dangers 201-3
- Press
 - democratic potentialities 76-77
 - freedom of 107-10
- Prison reform
 - classification of criminals 184
 - Mutual Welfare League system 185-86
 - parole and probation 183-84
 - restoration methods 182-85
- Probation system 183-84
- Production, profits vs. needs 192-95
- Profits, motive in business 192-95
- Prohibition, anecdote 238
- Propaganda vs. publicity 109
- Proportional representation 279-81
- Proportional Representation Congress of 1893 279
- Public corporations, plan 164-65
- Public health, failure to use resources 59
- Public lands, given railroads 155-56
- Public opinion
 - college training for developing 270
 - factor in world state problem 216-18
- Public schools. *See* Schools
- Public works program 167
- Pump anecdote 14
- Punishment
 - capital punishment 181-82
 - fair and just 180-82
 - Philadelphia and Auburn systems 182-83
 - restoration after 182-85
- Puritans, in America 35-39
- Quakers
 - integration process 76
 - Pennsylvania proprietary 40-41
 - West Jersey proprietary 39-40
- Quintilian 245
- Racial problem. *See also* Mexicans in America; Negroes
 - biological findings 117-18
 - democracy in the wilderness 31
 - fraternalism and 139
 - Sleepy Lagoon murder case 139-40
- Radio, democratic potentialities 76-77
- Railroads
 - public lands acquired 155-56
 - stock watering 156
- Reformation, influence on American colonies 34-38, 41-42
- Religion
 - church groups, democratic, New England 38-39
 - commands of God 297
 - consciousness of, and creation of new values 295-98
 - crowd appeal 66-67
 - democracy motivated by 147-48
 - education for citizenship and 292-307
 - freedom of 110-13
 - larger reference 305-7
 - law of love and good will 303-5
 - leaders of past half century 148
 - living vs. mechanistic universe 293-95
 - moral courage created by 302-3
 - New England theocracy 34-36
 - reason and 300-1
 - scientific vs. religious thinking 295-96
 - unity by integration vs. acquiescence, examples 75-76
- Representation
 - first in America 33
 - origin and development 21-23
 - proportional, campaign 279-81
- Research agencies, citizens' groups 284-85
- Rhode Island, colonial citizenship concepts 37
- Rights. *See* Equality of rights
- Roman Republic
 - democratic features 19
 - educational ideals 244-45
- Root, Elihu, quoted 27
- Rousseau, Jean-Jacques, quoted 22, 46, 77, 78, 116, 119-20, 182, 232, 234, 235, 247-48, 301
- Russia
 - education: monarchical and totalitarian 258-59
 - Marxianism and dictatorship 158
 - meaning of liberty in 74
 - world federation, attitude 220
- Saint-Jean, Robert de, quoted 13
- Samuel, Sir Herbert, quoted 88
- Sandys, Sir Edwin 33
- San Francisco Charter, significance 221-22
- Santayana, George, quoted 74
- Scholarships, established by Congress 125-26
- Schools
 - citizenship training, progress 261-64
 - contribution to democracy 257-72

INDEX

- Schools—continued**
 democratic living, training in 264-65
 English citizenship training 260
 French citizenship training 261
 monarchical and totalitarian 258-59
 political education, authoritarian 258
 programs on citizen training 261-64
- Science and religion** 292-307
- Senate, U. S., election, constitutional provisions** 49-50
- Slavery**
 Amendments, 14th and 15th 55-56
 defect of democracy 23-24
- Sleepy Lagoon murder case** 139-40
- Small business, public credit for** 165
- Social conditions**
 biological theory of classes 89-90
 charity vs. social security 195-98
 conflict, tension, and disappointed hopes 58-60
 crime prevention 188
 exploitation tactics, prevention 300
 family size, income, divorce 253-55
 group influences 141-42, 143, 145-47
 incomes and unemployment for 1930-40 157
 legislation vs. education for 238-40
- Social evolution**
 American wilderness factor 30-32
 citizenship a product 16-19
 equality of rights 119-20
 family association 17-18, 241-56
 individualism, American 41-42
 integrated social life 73-75
 natural selection philosophy 152
 perversion of liberty 105-7
 primitive types of association 16-18
 study, Hobhouse quoted 13
 tribal life 18
 woman suffrage 24-25
 world state and citizenship 205-7
 World War II and the new era 99-100
- Social justice**
 challenge of the new day 304
 economic courts 165
 economic power threat 168
 free enterprise and 150-69
 government intervention 160-61
 prophets, Hebrew and modern 150-51
 religious consciousness and 297
- Social security**
 hereditary privileges of wealth and 198
 private charity vs. 195-98
 program, British and American 196-98
- Socialism, basic features** 157-58
- Socrates** 301
- Spencer, Herbert, quoted** 151-52, 190, 241
- Spinoza, Baruch** 301
- State rights, centralization trend conflict** 202-3
- States or nations**
 classification, differences 14-16
 sovereignty of citizens 232-34
- Steiner, J. F., quoted** 69
- Students' Citizen Council** 270-71
- Suffrage**
 colonial 32, 35-37, 38
 extensions of franchise 53-57
 immigrants granted 55
 limiting to promote competence 85
 Negroes 55-56, 122-24
 Quaker 40-41
 restrictions, purpose 54-55
 white manhood 54
 women acquire 24-25, 56
- Sumner, William Graham** 151-52
- Supreme Court, U. S., aim of government, famous decision** 16
- Swabey, Marie Collins, quoted** 80, 121
- Tacitus** 245
- Taft, William Howard, quoted** 127-28
- Tariff, free enterprise abuses** 155
- Taxpayers' associations** 285-86
- Tead, Ordway, quoted** 266
- Technocrats** 132
- Tennyson, Alfred, poem, quoted** 205
- Town Meeting of the Air** 77n.
- Trade-unionism** 130, 158-59
- Trial**
 attorney and jury methods 176-80
 technical error 177
 provisions and safeguards 171-72
- Tribal life**
 education vs. modern methods 230
 social evolution 18
- Trusts** 154-55, 168
- Unemployment**
 public works program 167
 statistics for 1930-40 157
- Union for Democratic Action** 282-83
- United Nations**
 defeated nations, problem 221
 Dumbarton Oaks and San Francisco Charter, significance 221-22
 possibilities 220-21
 type of organization 221-22
- United States Government. See Government, U. S.**
- Universe, living vs. mechanistic doctrine** 293-95
- Veblin, Thorstein, quoted** 213
- Virginia**
 Bill of Rights 112
 settlement and political trend 33-34

INDEX

- Voltaire 119-120
- Voting
 - alleviating measures 91-96
 - Amendment 19 25
 - appointed trained personnel, relief 92-93
 - biological theory 89
 - blind voting 89-91
 - challenge to people 81-83
 - colonial Virginia 33
 - equality of rights 121-24
 - literacy test 84, 85
 - method of deciding issues 81-83
 - National League of Women Voters' activities 281-82
 - Negro rights 122-24
 - nonvoting, reasons and solution 85-88
 - poll tax 84, 123
 - presidential elections, study 90-91
 - process and problems 80-96
 - qualifications in states 83-85
 - right and function 83-85
 - secrecy of ballot 121-22
 - short ballot, solution 92
- War. *See* Peace
- Washington, George
 - influence on Constitution 49, 50-51
 - quoted 219
- Wealth, hereditary, cancellation 198
- Wells, H. G., quoted 134-35
- West Jersey proprietary 39-40
- Whitman, Walt, poem, quoted 205
- Will, essence of democracy 77-78
- Williams, Roger, quoted 37
- Woman suffrage
 - extension of citizenship 24-25
 - granted 56
- World state
 - America's responsibility 218-22
 - charter and institutions 214-15
 - citizen responsibility for 217-18
 - educational, scientific, and other forces, factors 217
 - "international trustees," nonpolitical, to promote 217-18
 - public opinion, factor 216-18
 - road to enduring peace 214-15
 - United Nations, nucleus of 220-21
 - United States and state resolutions implying 219-20
 - world citizenship and 205-23
- World War I
 - causes, and results 209-12
 - Espionage Act 110
 - postwar economy 190-91
- World War II
 - economic conditions 163, 168
 - efforts hampered by profit motive 193
 - faults of democracy revealed 69
 - new era 99-100
 - persecution of churches 148
 - resumption of war 212-16
 - war economy, New Deal 162
- Zangwill, Israel, *Melting Pot*, episode from 103-4

